ENGLISH WITCHCRAFT AND JAMES THE FIRST

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Common fame makes James I. a sinister figure in the history of English witchcraft. The delusion, we are told, was dying out in the later years of Elizabeth, but James fanned the embers into a devouring flame. His coming was the signal for a violent and long-continued outburst of witch-hunting, for which he was personally responsible. He procured the repeal of the comparatively mild Elizabethan law and the enactment of a very cruel statute. He encouraged and patronized witchfinders, and was always eager for fresh victims. His reign is a dark and bloody period in the annals of this frightful superstition.

Many authorities might be adduced in support of these views, but I must rest content with quoting three writers who have had some influence in propagating them, — Mrs. Lynn Linton, Mr. Robert Steele, and Mr. G. M. Trevelyan.[1]

In 1861 Mrs. E. Lynn Linton published a volume of Witch Stories, which was reissued in 1883 and has met with deserved favor. Mrs. Linton has no mercy on James I. His "name stands accursed for vice and cruel cowardice and the

[1] For other pronouncements of a more or less similar nature, see Sir Walter Scott, Introduction to Potts's Discoverie, Somers Tracts, 2d edition, 1810, **3**. 95; Mrs. Lucy Aitkin, Memoirs of the Court of King James the First, 1822, **2**. 166–167; Retrospective Review, 1822, **5**. 90; Scott, Letters on Demonology and Witchcraft, 1830, pp. 227, 246–247; Crossley, Introduction to Potts, Chetham Society, 1845, pp. xix., xiv.; Thomas Wright, Narratives of Sorcery and Magic, 1851, **1**. 284, **2**. 143–144; Charles Hardwick, History of Preston, 1857, p. 146; P. Q. Karkeek, Transactions of the Devonshire Association, 1874, **6**. 786; F. A. Inderwick, Side-Lights on the Stuarts, 2d ed., 1891, pp. 154–155; Horley, History of Sefton, 1893, p. 115, note 1; H. N. Doughty, Blackwood's Magazine, March, 1898, **163**, 388; W. R. Roper, Materials for the History of Lancaster, Part i, Chetham Society, 1907, pp. 26–27.

utmost selfishness of fear." [2] "Treacherous, cruel, narrow-minded, and cowardly," she calls him, "beyond anything that has ever disgraced the English throne before or since." [3] He had a "mania against witches," [4] a "lust for witch blood." [5] "There was no holding in of this furious madness after James I. had got his foot in the stirrup, and was riding a race neck and neck with the Devil." [6] These are hard words; yet Mrs Linton knows that the beliefs which she has in mind were "rampant in England when good Queen Bess ruled the land," [7] and her own book contains facts enough to give us pause.

Let us take a leap of thirty-odd years and read what Mr. Robert Steele has to tell us in his article on witchcraft in the fourth volume of a well-reputed work of collaboration, Social England, edited by Mr. H. D. Traill:

> With the accession of James a change came over the feelings of those in power. During the later years of Elizabeth tract after tract appeared, calling for severe punishment upon witches, but with no result: the English trials, up to now, had been characterised rather by folly than ferocity, the new rule was marked by ferocious folly. For forty years Scotland had been engaged in witch-hunting, with the result that 8000 human beings are believed to have been burnt between 1560 and 1600; and for the last ten years of the century the king had been at the head of the hunt. . . . In the first Parliament of James the more merciful Act of Elizabeth was repealed; a new and exhaustive one was enacted. . . . Under this Act 70,000 persons were executed up to 1680.[8]

I stand aghast at these figures. There is no sense or reason in them. No records have been published or examined which would justify the assertion that *a seventieth part* of this monstrous number met their death in the period named. As for the time from the passage of the act of 1604 till the death of James in 1625, Mr. Steele would find it hard to make out an average of more than two or three executions a year. I half suspect that he has got hold of some statistics of mortality from the plague.

Mr. Trevelyan is vaguer, but no less emphatic: "The skeptical Elizabeth, perhaps with some pity for her sex, had refused to yield when the pamphlet press called on the Gov-

[2] Ed. 1861, p. 20. [3] Pp. 259–260. [4] P. 259. [5] P. 261. [6] P. 195. [7] P. 195. [8] 4. 85–86.

ernment to enact fiercer laws 'not suffering a witch to live.' The outburst came with the accession of a Scottish King, who, though he rejected the best part of the spirit of Knox, was crazed beyond his English subjects with the witch-mania of Scotland and the continent. His first Parliament enacted new death-laws; at once the Judges and magistrates, the constables and the mob, began to hunt up the oldest and ugliest spinster who lived with her geese in the hut on the common, or tottered about the village street mumbling the inaudible soliloquies of second childhood." [9] In this witch-hunt, Mr. Trevelyan tells us, "learning, headed by the pedant King, was master of the hounds." [10]

So much for the current opinion.[11] Let us try to discover to what extent it is justified by the facts. And first we must consider two things that have created an enormous prejudice against King James, — his Scottish record and his authorship of the Dæmonologie.

The history of witchcraft in Scotland is a difficult subject, and it is particularly hard to determine just what degree of responsibility attaches to King James. To sift the matter thoroughly would require much time and space. Still, a few facts are patent. (1) James did not make the Scottish law of witchcraft. The statute was enacted in 1563, before he was born. (2) He did not teach the Scottish nation the witch creed. That creed was the heritage of the human race, and was nowhere less questioned by all classes and all professions than in Scotland, where, indeed, it survived in full vigor for more than a century after James was dead. (3) The worst period of Scottish prosecution does not fall in his reign. The three great prosecutions were in 1590–1597, in 1640–1650, and in 1660–1663. The second was worse than the first, and the third (which began with the Restoration) was the worst of all. (4) James did not initiate the prosecutions of 1590.[12]

[9] England under the Stuarts [1904], p. 32. [10] P. 33.

[11] A brief but powerful vindication of King James was inserted by William Gifford in his edition of Ford (1. clxxi., Dyce's revision, 1869, 3. 276; cf. Quarterly Review, 41. 80–82), but it has attracted little attention. See also Disraeli's Character of James the First (Miscellanies of Literature, N.Y., 1841, 3. 355–360).

[12] See particularly Mr. F. Legge's paper on Witchcraft in Scotland, in The Scottish Review for October, 1891 (18. 257–288).

Upon this last point we must dwell for a moment. In 1583, when James was a boy of seventeen, the Scottish clergy called for a sharper enforcement of the law. In 1590 began the trials of John Fian and his associates, with which the name of the king is indissolubly connected. It seems quite clear that these trials were not James's own idea. His intellectual curiosity — well known to be one of his most salient characteristics — led him to attend the examinations. But he was not naturally credulous in such matters (as we shall see later), he found the confessions beyond belief, and he pronounced the witches "extreame lyars." When, however, Agnes Sampson, to convince him, repeated in his private ear a conversation that he had held with the queen on the marriage-night, he "acknowledged her words to bee most true, and therefore gaue the more credit" to their stories.[13] It makes little difference what we think of this feat of Agnes Sampson's: the value of the anecdote lies in the light it throws on the king's skepticism. Agnes also implicated the Earl of Bothwell in a charge of witchcraft against the king's life. James's dislike and fear of Bothwell are notorious; they appear in a striking passage of the Basilikon Doron.[14] He looked on Bothwell as his evil genius and was ever ready to listen to anything to his discredit. Chancellor Maitland, who was Bothwell's enemy, had the king's confidence.[15] Numerous executions followed, and the great prosecution of 1590–1597 was now under way. It had started, however, not with James, but, as usual, among obscure persons. The king had simply become involved in the affair. No doubt he countenanced the general witch-hunt that followed; but he cannot be said to have encouraged it, for no encouragement was needed. The clergy were eager, and the people lived in constant terror of witches. If ever there was a spontaneous popular panic, this was such an outbreak. James and his Council had only to let the forces work. And, indeed, it seems pretty certain that they had no power to stem the current. Mr. Andrew Lang, who censures the king,

[13] Newes from Scotland, 1591, sig. B 2 (Roxburghe Club reprint).

[14] 1599, Roxburghe Club reprint, p. 97.

[15] Spottiswoode, History of the Church of Scotland, Bannatyne Club, 2. 412; Pitcairn, Criminal Trials, 1. 230, 240, note; Legge, Scottish Review, 18. 262.

says in plain terms that he "could not have controlled the preachers." [16] Add to this the testimony of Pitcairn, a hostile witness, that the period from 1591 to 1596 was distinguished by "open defiance of the King and Parliament, and by the frequent and daring conspiracies enterprised against the Royal person." [17] Altogether, it does not appear that James is to blame for the events of 1590–1597, or that the prosecution proves him either exceptionally credulous or exceptionally devoted to witch-hunting. If a whole nation believes in witchcraft, outbreaks of prosecution (like other outbreaks) are likely to happen whenever there are troublous times. This has been seen over and over again, — in the tumult of the English Civil War, for instance, and just after the Revolution, and in our own Salem at a critical moment in New England history.[18] James was not riding the storm like Odin. He was only a mortal man, swept off his feet by the tide.

Whether these considerations are just or not, one thing is certain — by 1597 James was convinced that matters had gone too far. Indictments were piling upon indictments, there was no telling the innocent from the guilty, and no end was in sight. Commissions of justiciary for witchcraft were being held throughout Scotland, and the king, by a stroke of the pen, revoked them all.[19] It is noteworthy that the proximate cause of his action was the discovery that many denunciations were fraudulent. Compare James's incredulity at the outset, and the skill which he showed later in life (as we shall see presently) in detecting similar impostures. From 1597 to James's accession to the English throne in 1603, there were abundant witch-trials in Scotland, but the annual number of executions was much smaller, and there is no reason to suppose that the king pressed for more. When he succeeded to the English crown, the intensity of the Scottish witch-quest had ceased, by his own act, and that period was associated in his mind with a time of anarchy. England looked to him like a haven of rest. He was certainly

[16] History of Scotland, 2. 353. [17] Criminal Trials, 1. 357.

[18] See Kittredge, Notes on Witchcraft, 1907, pp. 64–65.

[19] Privy Council Register, 5. 409–410; Spottiswoode, 3. 66–67; Legge, p. 264; Lang, History of Scotland, 2. 433.

thinking of other matters than witches when he came into the promised land.

So much for the first of the two things that have led men to approach James's English witch record with a prejudiced opinion. Let us pass to the second,—his authorship of the Dæmonologie.

The importance of King James's Dæmonologie has been greatly exaggerated, both as to its bearing on his supposed career as a prosecutor and as to its effect on English sentiment in his time. The book is a confession of faith, not an autobiography. It is proof of what James *thought*, not of what he *did*. The publication of the Dæmonologie did not cause the death of any Scottish witches, either directly or indirectly. Nor did it convert a single Scottish skeptic, for there were none to convert. The book did not appear until 1597, — the very year in which James, by a stroke of the pen, checked the great prosecution that had been going since 1590. As to England, the case against the Dæmonologie is pitifully weak. The treatise, though well-constructed and compendious, is not original. It adduces neither new facts nor new arguments. Mr. Gardiner is perfectly right when he says that James "had only echoed opinions which were accepted freely by the multitude, and were tacitly admitted without inquiry by the first intellects of the day." [20] Certainly there is no reason to think that the Dæmonologie had any appreciable effect on English sentiment.

I am well aware that King James's Dæmonologie was reissued in London in 1603. But this was a mere bookselling speculation,[21] like the Latin translation by Germberg that appeared at Hanover in 1604.[22] There is no parade about the volume, no hint that it was published at the king's instance. Contrast the circumstances attending the publica-

[20] History of England, 1603–1642, 7. 322–323 (1899).

[21] John Hawarde (born about 1571) makes a curious note in his manuscript, Les Reportes del Cases in Camera Stellata (ed. Baildon, pp. 179–180): "Nothinge now was talked of but the relligion, vertue, wisedome, learninge, Justice, & manye other most noble & woorthye prayses of K. James, . . . his bookes new printed, (Βασιλικον δωρων, Freen monarchies, Monologie, Expositions upon the Reuelacions & the Kings, the Lepanto)."

[22] There are two London editions of 1603. See the details in Ferguson, Publications of the Edinburgh Bibliographical Society, 3. 51.

tion of the Basilikon Doron in the same year. This had been privately printed in 1599. When it came before the public in 1603, there was a long, defensive preface, entirely new, in which the king exerted himself to stand well with his English subjects.[23] James, as we have already remarked, had other things than witchcraft to occupy his thoughts when he mounted the English throne. If it can be shown that he immediately engaged in a campaign for new witch-laws or for more vigorous prosecution, then we may regard the Dæmonologie of 1603 as a campaign document. But first one must show that he did engage in any such campaign; otherwise the question is begged. And, as we shall soon discover, he did nothing of the kind.

Clearly, then, we must study the witch law and the witch-trials of James's English reign on the basis, not of prejudice, but of evidence. And first we may consider the Statute of 1604.

The current ideas about the English laws against witchcraft are very inaccurate. For these misapprehensions Thomas Wright is in large part responsible. His learned and interesting Narratives of Sorcery and Magic, which has enjoyed a deserved popularity for more than fifty years, is surprisingly loose in its statements about legal history.

"The first act in the statute-book against witchcraft," says Wright, "was passed in the thirty-third year of Henry VIII., A.D. 1541, whereby this supposed crime was made felony without benefit of clergy."[24] So far he is quite correct, except for the year of our Lord, which should be 1542. "In 1547," he adds, "when the power was entirely in the hands of the religious reformers under Edward VI., his father's law against witchcraft was repealed." This assertion, though technically indisputable, is rather misleading. The act to which Wright refers (1 Edward VI., c. 12) does

[23] See the Roxburghe Club reprint of the 1599 edition. On the attention which the Basilikon Doron attracted, see Calendar of State Papers, Venetian, 1603–1607, pp. 10, 65.

[24] Narratives of Sorcery and Magic, 1851, **1**. 279. See also the authors cited above (p. 1, note 1). The account of the laws given by Mr. James Williams in the Encyclopædia Britannica (9th ed., **24**. 620–621) is above the average, but not free from errors. There are serious mistakes in Mr. Robert Steele's summary in Traill's Social England, **3**. 326.

not once mention sorcery, magic, or witchcraft. The third section wipes out of the statute-book "all offences made felony by any act or acts of Parliament, statute or statutes, made sithence the xxiiith day of April in the first year of the reign of the said late King Henry theight, not being felony before." Among these offences was witchcraft.

Wright's next statement is highly objectionable. It amounts to a serious, though inadvertent, *suppressio veri*. "Under Elizabeth," he avers, "in 1562 [this should be 1563], a new act was passed against witchcraft, punishing the first conviction only with exposure in the pillory." [25] Now the truth is that Elizabeth's law was much severer than one would infer from these words. It fixes the death penalty (1) for all who "use, practise, or exercise invocations or conjurations of evil and wicked spirits to or for any intent or purpose," quite irrespective of the result of such invocations or conjurations, and (2) for all who practise witchcraft that causes a person's death. Under the former provision—to take a good example—Edmund Hartlay lost his life in Lancashire in 1597. He was a professed conjurer, and had been employed to relieve the children of Mr. Nicholas Starkie, who were thought to be possessed with devils. Hartlay caught the hysterical affection himself and was tormented in like manner. "The next day, beinge recouered, he went into a little wood, not farr from the house, where he maide a circle about a yarde and halfe wyde, deuiding it into 4. partes, making a crosse at every diuision: and when he had finished his worke, he came to *M. Starchie* and desiered him to go and tread out the circle, saying, I may not treade it out my selfe, and further, I will meete with them that went about my death," [26] — that is, in effect, I wish to raise the devils that tried to kill me yesterday. There were other charges against Hartlay, but none of a capital nature. "The making of his circle was chefly his ouerthrowe." [27] He denied the fact, but, the rope breaking, confessed it before he died.[28]

[25] Narratives, 1. 279.

[26] John Darrel, A True Narration, etc., 1600, p. 1.

[27] Darrel, p. 7.

[28] Another case occurred in 1580. William Randoll was hanged for conjuring to discover hidden treasure and stolen goods. Four others were tried for aiding and abetting, and three of them were sentenced to death, but reprieved. The trial

Furthermore, the Elizabethan statute provided that "witchcraft, enchantment, charm, or sorcery" which caused bodily injury to human beings or damage to goods or chattels should be punished with a year's imprisonment (with quarterly exposure in the pillory) for the first offence, and *with death for the second offence.* And finally, the statute provided imprisonment and the pillory, with *life imprisonment* for the second offence, for all who should "take upon" themselves to reveal the whereabouts of hidden treasure or of lost or stolen goods, or should practise witchcraft with intent to provoke unlawful love or to "hurt or destroy any person in his or her body, member, or goods." It must now be manifest how unduly Wright extenuates the grimness of Elizabeth's law.

Thus we reach the reign of James I. In his second year was passed the statute of 1604, which remained in force until 1736. The relation of this act to the statute of Elizabeth, which it repealed, becomes a matter of great importance to determine. Here Wright leaves us in the lurch. James, he tells us, "passed a new and severe law against witchcraft,[29] in which it now became almost a crime to disbelieve." [30] We are led to infer that, whereas Elizabeth's law was mild and hardly objectionable, James's statute was both novel and severe. The facts are quite different. James's statute follows Elizabeth's in the main, even in phraseology. (1) The new statute (like the old) provides death as the penalty for *invocation or conjuration of evil spirits* for any purpose and without regard to the issue. But it inserts two clauses making it also felony to "consult, covenant with, entertain, employ, feed, or reward" any such spirit for any purpose,

was held at the King's Bench (Holinshed, 4. 433). An excessively curious case is that of a woman tried by the mayor of Faversham, Kent, in 1586. The court and jury were convinced that she was not guilty of witchcraft. In order to clear her of the capital charge, a verdict of guilty of invocation and conjuration was brought in. The mayor was about to congratulate the defendant on escaping with her life, when the legal adviser of the corporation informed him that invocation and conjuration amounted to felony, and she was hanged accordingly. Full details are given by John Waller in Holinshed, 4. 891–893.

[29] 1. 284.

[30] As to this latter dictum, it is instructive to observe that in 1578 one Dr. Browne was in trouble because he "spread misliking of the laws, by saying there are no witches" (Calendar of State Papers, Domestic, Addenda, 1566–1579, p. 551).

or to dig up any dead body, or part thereof, for use in sorcery. (2) For *witchcraft that kills*, death is the penalty (as in the Elizabethan enactment). (3) For *witchcraft that causes bodily harm*, but does not kill, the new law imposes death for the *first* (instead of the *second*) offence. (4) For the *minor varieties* of sorcery and witchcraft, *death* is substituted for *life imprisonment* as the penalty for the second offence.[31] Clearly the statute of 1604 is not so great a novelty as we have been led to think. It is, to be sure, more severe than the Elizabethan enactment, but only in some respects. Let us study the two a little further.

The substitution of *death* for *life imprisonment* as the penalty for the second offence in certain minor grades of sorcery can hardly be called an increase in severity. The appalling state of the prisons is notorious. There was a dreadful outbreak of jail fever at the Oxford assizes in 1579,[32] and another at the Exeter assizes in 1586.[33] Prisoners often died while awaiting trial or execution. In 1608 the Earl of Northampton, as Warden of the Cinque Ports, induced the mayor of Rye to admit to bail a woman condemned to death for aiding and abetting a witch. Her execution had been stayed, and it was feared that she would succumb to the "lothsomness of the prison." [34] Under such conditions, the change from a life-sentence to hanging was rather mercy than rigor.

The penalty for digging up the dead (unknown to the Elizabethan law) was not excessive, in view of the general severity of the penal code. The thing was certainly done now and then. It was a real — not an imaginary — crime, and deserved punishment. However, no case has ever been cited in which a man or woman was put to death for this

[31] There is some difference between the two statutes in defining the minor varieties, but it is slight and not in the direction of severity.

[32] See the extraordinary passage in Webster's Displaying of Supposed Witchcraft, 1677, pp. 245–246.

[33] Walsingham to Leicester (Leycester Correspondence, Camden Society, p. 24); Hooker (alias Vowell), in Holinshed, 4. 868; Thomas Cogan, The Haven of Heath, 1589, pp. 272 ff. See also an important paper on the Black Assizes in the West, by F. Wilcocks, M.D., in Transactions of the Devonshire Association, 16. 595 ff. For Vowell, see Charles Worthy, in the same Transactions, 14. 631 ff. (cf. 11. 442 ff.).

[34] 13th Report of the Commission on Historical MSS., Appendix, Part iv., pp. 139–140.

offence alone, and we may therefore disregard that clause as of no practical effect.

As for the new provision about consulting or covenanting with evil spirits, or feeding them, it was capable of operating with great severity. In fact, however, I do not believe that a single case can be found during James's reign in which anybody suffered death under this clause who was not otherwise liable to the extreme penalty.[35]

There remains, then, one change in the law, and only one, — death for the *first* (instead of the *second*) offence in witchcraft that injures the body without killing, — to justify the common opinion that James's statute of 1604 was so stern an enactment as to make an era in English witch-prosecution.

At the outset, candor impels us to inquire whether James's statute was really severe at all. Our judgment must be based, not on our present penal code, but on that of the sixteenth and seventeenth centuries. When death was the penalty for stealing a sheep, or breaking into a house, or taking a purse on the highway, or stealing thirteenpence, was it harsh to hang a witch for driving her neighbor mad or smiting him with epilepsy or paralysis?[36] To object that witches could not do such things is no answer. This objection might hold against the passing of *any law whatever*, but has nothing to do with the question of *severity*. It is quite as silly to fine or imprison a man for an impossible crime as to hang him for it. However, we may waive this point, for we are more directly concerned with the question whether James's law was so much severer than Elizabeth's as to make its passage a momentous event. This is to be tested, of course, by observing how the two laws worked, not by weighing their words.

To get the perspective, let us look at one of the most no-

[35] A possible exception is Susan Swapper, of Rye. She was condemned in 1607, but I cannot find that she was ever executed. The case is exceedingly curious (see Commission on Historical MSS., 13th Report, Appendix, Part iv., pp. 136–137, 139–140, 144, 147–148). For what happened after 1643, when James had been in his grave a score of years, it is absurdly cruel to hold him accountable.

[36] Cf. the observations of Mr. J. W. Brodie-Innes in his interesting brochure on Scottish Witchcraft Trials, pp. 21–24. (Privately Printed Opuscula issued to Members of the Sette of Odd Volumes, No. 25, 1891.)

torious of Elizabethan cases, that of St. Osyth in Essex. One Ursula (or Ursley) Kempe, alias Grey, was a woman of ill repute, who lived, with Thomas Rabbet, her bastard son, in the little village of St. Osith's (now St. Osyth), near Colchester. She had long lain under suspicion of witchcraft. There was sickness in the family of a neighbor, Grace Thurlowe, and Grace fancied that Ursula was to blame. The local magistrate, Brian Darcey, lent a ready ear to her complaint. Witnesses came forward in abundance, and one revelation led to another, as usual. Thomas Rabbet gave evidence against his mother. Ursula confessed her crimes, with many tears. A whole nest of offenders was uncovered, and, in conclusion, no less than thirteen witches were convicted. This was in 1582.[37] The affair made a great noise, and appears to have been the chief immediate impulse to Reginald Scot's famous book, The Discovery of Witchcraft.

Of the thirteen persons convicted on this occasion, all but three were found guilty of "bewitching to death," and consequently suffered the extreme penalty under the statute of Elizabeth. James's statute would have hanged the other three as well. To this extent, and to this extent alone, would it have operated more severely than its predecessor.

The St. Osyth tragedy took place about twenty years before James I. succeeded to the English crown. Will it be believed, in the face of the vehement denunciation to which this king is traditionally subjected as a besotted persecutor, that nothing comparable to it occurred in his reign until 1612, when he had been on the throne for nine years? Yet such is the indisputable fact.

An analysis of these Lancashire trials of 1612, on the basis of Thomas Potts's official narrative, yields the following results. Nineteen persons were tried, of whom eight were acquitted. Of the eleven convicted, one (whose offence was the killing of a mare) was sentenced to the pillory. This leaves ten who were hanged.[38] Six of these were indicted

[37] Linton, Witch Stories, 1861, pp. 205–221 (from the original narrative by W.W., — A True and Iust Recorde, etc., 1582).

[38] The Wonderfull Discoverie of Witches in the Countie of Lancaster. . . . Together with the Arraignement and Triall of Iennet Preston, at . . . Yorke, London, 1613. Cf. Farington Papers, Chetham Society, 1856, p. 27. One other died before trial.

for murder by witchcraft, and therefore would have suffered death under Elizabeth's law as surely as under James's. Four, then, were executed who might have got off with imprisonment if the older statute had remained in force. But it is by no means certain that all of the four would actually have escaped the gallows. For there was evidence of murder by witchcraft against two of them, and they might have been tried on that charge if the lesser accusation of driving a woman insane had not sufficed to send them out of the world. There remain but two, therefore, of the eleven convicted, who, so far as we can see, would have been in no danger of death under Elizabethan conditions. And one of these exemptions may be balanced by the case of the woman sent to the pillory for killing a mare, inasmuch as there was testimony that she too had confessed to a couple of murders, so that the prosecutors might have found an excuse for hanging her, even under Elizabeth's statute, if they had so desired. In the same year, Jennet Preston was hanged at York. She was convicted of murder by witchcraft, and would have suffered death by Elizabeth's law. Likewise in 1612, there was an outbreak of prosecution in Northamptonshire, which ended in the execution of five persons. Every one of these, however, had been found guilty of murder by witchcraft.[39] Hence their fate under the statute of James was precisely what it would have been if Elizabeth's statute of 1563 had never been supplanted.

Two facts of immense significance are now clear: first, that James's accession was not the signal for an outbreak of witch prosecution, for he had been on the throne for nine years before any such outbreak occurred; second, that the statute of 1604 was not appreciably more severe, in its practical working in 1612, than the Elizabethan statute would have been at the same time if it had continued in force.

Before leaving the events of 1612, however, we must inquire whether James had any hand in the prosecutions. The answer is unequivocal. There is not a particle of evidence that he either suggested or encouraged the trials, or, indeed, that he ever heard of the cases until the defendants had been

[39] The Witches of Northamptonshire, 1612 (reprint, 1867).

hanged. A contrary view is sometimes expressed with regard to the Lancaster trials,[40] but there is no foundation for it. The source of the error is nothing more or less than William Harrison Ainsworth's romance entitled The Lancashire Witches. This was published in 1849, and appears to have proved more entertaining to some historians than the study of authentic documents.

One of Ainsworth's most amusing characters is Master Thomas Potts, a London lawyer. Potts happens to be in Lancashire on legal business, and, on coming into contact with the rumors and petty intrigues of the neighborhood, grasps the chance to ingratiate himself with King James by gathering evidence and fomenting prosecution. "So there are suspected witches in Pendle Forest, I find," says Master Potts; "I shall make it my business to institute inquiries concerning them, when I visit the place to-morrow. Even if merely ill-reputed, they must be examined, and if found innocent cleared; if not, punished according to the statute. Our soverign lord the king holdeth witches in especial abhorrence, and would gladly see all such noxious vermin extirpated from the land, and it will rejoice me to promote his laudable designs. . . . He is never so pleased as when the truth of his tenets are proved by such secret offenders being brought to light, and duly punished." [41] And again:— "If I can unearth a pack of witches, I shall gain much credit from my honourable good lords the judges of assize . . . , besides pleasing the King himself, who is sure to hear of it, and reward my praiseworthy zeal." [42]

Ainsworth is quite within his rights as a novelist, but we should not read him as if he were an historian. Potts had nothing to do with getting up the evidence or fomenting the prosecution. He was a London lawyer, or law-writer, who acted as clerk at the Lancaster assizes. Probably he was accompanying the justices on their circuit. At the instance of these justices, as we know, he prepared an official narrative, which was published in 1613 after revision by one of them(Sir Edward Bromley). The king is mentioned only once in this

[40] See, for example, Horley, Sefton, 1893, p. 115, note 1; Roper, Materials for the History of Lancaster, Part i., Chetham Society, 1907, pp. 26–27.

[41] 1. 199–200. [42] 1. 207 (cf. 1. 244, 247).

tract (except, of course, in legal formulas), and that in passing: "What hath the Kings Maiestie written and published in his *Dæmonologie*, by way of premonition and preuention, which hath not here by the first or last beene executed, put in practise or discouered." [43] If James had known anything about the case, Potts would surely have brought him in.

But we are not done with Ainsworth's contributions to history. In the third volume of the romance he introduces King James in person, talking broad Scots, profoundly impressed by the evidence, causing the witches to be brought into his presence, and urging on the prosecution. These scenes occur while he is the guest of Sir Richard Hoghton at Hoghton Tower.[44] All this is very good fiction indeed. But it should not pass as history. The Pendle witches were hanged in August, 1612. James made a progress that summer, but not in Lancashire. His visit to Hoghton Tower was five years later, in August, 1617.[45]

Ainsworth wrote The Lancashire Witches at the suggestion of Mr. James Crossley, to whom he dedicated it. Mr. Crossley was an admirable antiquary, and the world is in his debt for a first-rate edition of Potts's Discoverie and for many other things. But, though very learned in the literature of witchcraft, he was far astray in his estimate of James's attitude and in other pertinent matters. He ignores the Elizabethan statute and lays stress on that of James, "enacted," he avers, "as the adulatory tribute of all parties, against which no honest voice was raised, to the known opinions of the monarch." [46] Mr. Crossley could not fail to observe that the passage of the "execrable statute" of 1604 was not followed by an instant fury of prosecution. He knew well that eight years elapsed before anything took place that was at all notable. And this is how he expresses himself: the statute, he suggests, "might have been sharpening its appetite by a temporary fast for the full meal of blood by which it was eventually glutted." [47] This is not merely personification, — it is pure mythology.

[43] Potts, Wonderfull Discoverie, sig. T2. [44] 3. 241 ff.
[45] Journal of Nicholas Assheton, ed. Raines, Chetham Society, 1848, pp. 32 ff.
[46] Introduction to his reprint of Potts, Chetham Society, vol. 6, p. xviii.
[47] Introduction to Potts, p. xlv.

The plain and simple truth is this: During the twenty-two years of James's reign (1603–1625), there was no more excitement on the subject of witchcraft, and there were no more executions, than during the last twenty-two years of Elizabeth (1581–1603).[48] James's accession was not in any sense the signal for an outburst of prosecution. As we have just noted, the first bad year was 1612, when he had been on the throne for almost a decade. It is certain that the statute of 1604 was not more severe, in its practical workings, than the statute of Elizabeth.[49] Nor can a single fact be brought forward to prove that James was eager, during his English reign, to multiply the number of victims.

We must now examine the prevalent opinion that the statute of 1604 was passed to please King James or at his instance, or, indeed, that he wrote the bill himself. Most readers will be surprised to learn that not a particle of direct evidence has ever been adduced in favor of any of these propositions. They rest entirely upon assumption or inference. The earliest testimony that I can discover[50] is Hutchinson's, in 1718, — more than a century late; and Hutchinson, *more suo*, is commendably cautious. He does not profess to have any authority for his views. "I cannot forbear thinking" — such are his words — "that it was the King's Book and Judgment, more than any Encrease of Witches, that influenc'd the Parliament to the changing the Old Law." [51] And again, "I cannot but think, that if King *James* himself was not the first Mover and Director in this change of the Statute, yet there might probably be a Design of making Court to the King by it." [52] He frankly labels his theory "the best Guess I can make." [53] The "juryman"

[48] Exact figures are unattainable, but the records are quite as trustworthy for 1603–1625 as for 1581–1603. It is altogether unlikely that a complete scrutiny would bring to light more new cases of execution for the later period than for the earlier.

[49] That is, not more severe during James's reign. For what occurred long after the king's death, he cannot be blamed.

[50] It is to be hoped that what Thomas Cooper says in The Mysterie of Witchcraft, 1617, p. 7, will not be taken as evidence in favor of the current view. Heretofore it has not been so utilized.

[51] Historical Essay concerning Witchcraft, 1718, p. 179 (ed. 1720, p. 224).

[52] P. 180. Here Hutchinson is referring to a particular part of the statute (about the violation of graves).

[53] P. 178.

(his interlocutor in the dialogue) accepts the theory: "I am the apter to believe this Account; because I have often heard, that our Law did come from thence," that is, from Scotland along with the new king.[54] Dr. William Harris, in his account of James I. (1753), follows Hutchinson, whom he cites, remarking that the statute was "formed out of compliment (as has been well conjectured)." [55] Scott, in 1810, follows Hutchinson, remarking that the statute "probably had its rise in the complaisance of James's first Parliament." [56] By 1829 the tradition had hardened considerably, so that a writer in the Gentleman's Magazine asserted that James "is said to have penned [the statute] himself." [57] So much for the external evidence, — now for the probabilities.

In the first place, the text of the statute is sufficient proof that James did not draft it himself. For it is *not a new law.* It follows, in the main, the Elizabethan statute word for word. At the utmost, James can be suspected of penning only a few phrases. This part of the charge we may therefore dismiss without ceremony. But what of the view that James fathered or fostered the bill, that it was introduced at his instance, or passed with an eye to his favor? Was there, or was there not, such a state of public opinion in England as will account for the statute without our having recourse to the conjecture that it was passed under James's influence or out of complaisance to him?

If this were merely a question of the rank and file of the people, there would be no room for argument. The last few years of Elizabeth's reign abounded in witch prosecutions and were marked by intense popular excitement on the subject. A typical outbreak was that in Devon in 1601 and 1602, when the Trevisard family was complained of before Sir Thomas Ridgeway.[58] But we are now occupied with the lawmakers, who, though constantly exposed to pressure from the populace, may conceivably have preferred the *status quo.* Was there, or was there not, before James's accession, a

[54] P. 180. [55] Pp. 40–41.

[56] Somers Tracts, 2d edition, 3. 95.

[57] In a series of articles on the Rise and Progress of Witchcraft, containing much valuable material. Gentleman's Magazine Library, Popular Superstitions, p. 233.

[58] See the original examinations (inedited) in the Harvard College Library.

movement among the better educated classes for a revision of the law and a sharpening of the penalties? To test this question, we may consult four well-known treatises which are seldom scrutinized from this point of view. We will begin with Perkins's Discourse.

William Perkins, the eminent theologian, born in 1558, was Fellow of Christ's College, Cambridge, from 1584 to 1594. He died in 1602, leaving behind him A Discourse of the Damned Art of Witchcraft, which was published in 1608 by Thomas Pickering, B.D. of Cambridge, and Minister of Finchingfield, Essex. Pickering dedicated the volume to Coke. Though not issued in the author's lifetime, this treatise is good evidence as to what the views of learned Englishmen were at the turn of the century. Nor was it without influence before Perkins died, for, as the title-page sets forth, the discourse was "framed and delivered" by him "in his ordinarie course of Preaching." It came from the press of the Cambridge University Printer.

Perkins's book is a masterpiece. It is cogently reasoned, and marked by that concise and simple style for which this author was distinguished above his contemporaries. We may shudder at his opinions, but are forced to admire his candor and ability. Perkins warns his readers against convicting on slender evidence. His virile and methodical intellect draws the line sharply between presumptions that justify suspicion, and proofs that warrant a verdict of guilty.[59] Certain superstitious popular tests he rejects utterly, — such as scratching the witch, and firing the thatch of her cottage, and the ordeal by swimming.[60] Some of these, he declares, "if not all, are after a sort practises of Witchcraft, hauing in them no power or vertue to detect a Sorcerer, either by Gods ordinance in the creation, or by any speciall appointment since." In scouting the water ordeal, Perkins may have had his eye upon King James's defence of it in the Dæmonologie. "It appeares," the king had written, "that God hath appointed (for a supernaturall signe of the monstrous impietie of Witches) that the water shall refuse to receiue them in her bosome, that haue shaken off

[59] Pp. 200 ff. [60] Pp. 206 ff.

them the sacred Water of Baptisme, and wilfully refused the benefite thereof." [61] Note the brevity and force of Perkins's refutation: — "To iustifie the casting of a Witch into the water, it is alledged, that hauing made a couenant with the deuill, shee hath renounced her Baptisme, and hereupon there growes an Antipathie betweene her, and water. *Ans.* This allegation serues to no purpose: for all water is not the water of Baptisme, but that onely which is vsed in the very act of Baptisme, and not before nor after. The element out of the vse of the Sacrament, is no Sacrament, but returnes again to his common vse." [62] Let us remark, in passing, that Thomas Pickering, a beneficed clergyman, did not hesitate to publish this unceremonious denial of the king's argument in 1608, when James had been five years on the throne, and to dedicate the work which contains it to Chief Justice Coke. This may serve to correct, *pro tanto*, the too prevalent opinion that James I. expected his English subjects to receive his Dæmonologie as but little, if at all, inferior in authority to the Holy Scriptures.

Our immediate concern, however, is with the general tendency of Perkins's treatise, and in particular with his precepts as to punishment. He admits the witch dogma in its entirety. The ground of all sorcery is a league or covenant with the devil, which may be either express or implicit. There are two kinds of witchcraft, — namely, divining and working.[63] The second class includes the raising of storms, the poisoning of the air (which brings pestilence), the blasting of corn, "the procuring of strange passions and torments in mens bodies and other creatures, with the curing of the same." [64] It is an error to hold that melancholia so deludes women that they imagine themselves witches when indeed they are none. Perhaps, after the witch has made her contract with the fiend, she may credit herself with imaginary powers, but the wonders already enumerated she can certainly perform, with Satan's aid.[65] Thus Perkins opposes himself squarely to Wierus and Scot. His refutation of their theories is solid and convincing, if we

[61] London, Printed for William Apsley and W. Cotton, 1603, p. 80 (misprinted, "64").

[62] P. 208. [63] P. 55. [64] P. 128. [65] Pp. 191–196.

admit what nobody dreamt of denying, — the existence of evil spirits. His book, indeed, may be taken as a measure of the slight effect which these dissentients had produced on the minds of sixteenth-century Englishmen.

As to the law against witchcraft, Perkins is an invaluable witness. He wrote when the Elizabethan statute was in force, and he was of course not under the sway of King James of Scotland, with whose theories, indeed, we have seen him at outspoken variance. Perkins believes that the law of Moses should continue in force, and that "all Witches beeing thoroughly conuicted by the Magistrate," should be put to death.[66] He expressly declares that this punishment ought to be inflicted not only upon those who kill by means of witchcraft, but upon all witches without any exception whatever, — upon "all Diuiners, Charmers, Iuglers, all Wizzards, commonly called wise men and wise women." He includes in plain terms all so-called "good Witches, which doe no hurt but good, which doe not spoile and destroy, but saue and deliver." Here he uses a really unanswerable argument, which shows in the most striking fashion how ill-equipped we are, with our mild penal laws, to sit in judgment on the severity — whether actual or comparative — of the Jacobean statute. "By the lawes of England," writes Perkins, "the thiefe is executed for stealing, and we think it iust and profitable: but it were a thousand times better for the land, if all Witches, but specially the blessing Witch might suffer death. For the thiefe by his stealing, and the hurtfull Inchanter by charming, bring hinderance and hurt to the bodies and goods of men; but these are the right hand of the deuill, by which he taketh and destroieth the soules of men. Men doe commonly hate and spit at the damnifying Sorcerer, as vnworthie to liue among them; whereas the other is so deare vnto them, that they hold themselues and their countrey blessed that haue him among them, they flie vnto him in necessitie, they depend vpon him as their god, and by this meanes, thousands are carried away to their finall confusion. Death therefore is the iust and deserued por-

[66] P. 247.

tion of the good Witch." These are the closing words of Perkins's weighty treatise.[67]

Perkins was a vital force in forming English opinion while he was alive, especially during the last decade of the sixteenth century and at the beginning of the seventeenth. Few Cambridge lecturers were more authoritative, and Cambridge was in close contact with public men. He "was buried with great solemnity at the sole charges of *Christs Colledge*, the University and Town striving which should expresse more sorrow at his Funeral; Doctor *Montague* Preached his Funeral Sermon upon that Text, *Moses my Servant is dead.*" [68] This was James Montagu, first Master of Sidney Sussex College, afterwards Bishop of Bath and Wells (1608) and of Winchester (1616). Bishop Hall, who was at Cambridge while Perkins was active, commends him warmly. "A worthy divine," he calls him, "whose labors are of much note and use in the Church of God." [69] Fuller is also among his admirers.[70] How the Discourse worked when its substance was orally delivered "in his ordinarie course of preaching" may be inferred from the respect with which the printed book is continually cited, — by Cotta, for example, in his Triall of Witch-craft (1616).[71] Cotta's treatise is likewise dedicated to Coke.

John Cotta was of Trinity College, Cambridge, in 1590, and later of Corpus Christi. He received the degree of M.A. in 1596, and that of M.D. in 1603. His first book appeared in 1612. It contains a good deal about witchcraft. In 1616 he published a systematic treatise, A Triall of Witch-craft, of which a second edition came out in 1624. The main object of this work is to prove that any given case of alleged sorcery ought to be examined by methods of the senses and reason, like other objects of investigation. Cotta, then, is on the right side. He follows Wierus in maintaining that

[67] Pp. 256–257. For other expressions of opinion on witchcraft, see Perkins's Golden Chaine, ed. 1605, pp. 34–36, and his Combate betweene Christ and the Diuell, ed. 1606, pp. 16, 25, 37.

[68] Samuel Clarke, Life of Perkins (Marrow of Ecclesiastical History, Part i., 3d ed., 1675, p. 416); cf. John Manningham's Diary, ed. Bruce, Camden Society, p. 104; Fuller, Holy State, ed. 1840, p. 71.

[69] Works, Oxford, 1837, 6. 340.

[70] See note 68 above.

[71] Pp. 53, 89, 91, 95.

many so-called bewitched persons are suffering from natural disease. When he wrote he was practising at Northampton, where he had resided ever since he took his medical degree in 1603. His rationalizing attitude was largely the result of his own experience as a physician during this interval.

The whole ground of Cotta's argument is an acceptance of the traditional witch-dogma. He believes that there are witches in plenty; that they make contracts with the devil; that supernatural deeds are performed by the fiend, in which the witch "hath a property and interest" by virtue of her covenant with him; that, in this way, witches may be implicated in afflicting their fellow-creatures with diseases or in causing their death. As concrete examples, we may take the witches of Warboys (1589–1593) and the Lancashire witches (1612), for both of those notorious cases are accepted by Cotta without demur.[72] And, just as he is confident that the guilt of a witch may be discovered with certainty by methods of reason and perception which he develops elaborately, so he is content to leave her to the courts, to be "arraigned and condemned of manifest high treason against Almighty God, and of combination with his open and professed enemy the Diuell."[73] The statute of 1604 was none too rigorous for Dr. Cotta. If these were his sentiments in 1616, when he was writing a cautionary and corrective treatise, we may be certain that his views were quite as orthodox at the turn of the century, when he was still at the University of Cambridge and subject to the influence of Perkins, whom he cites with so much respect.

From Cambridge we turn to Oxford. Thomas Cooper, of Christ Church, was A.B. in 1590, A.M. in 1593, B.D. in 1600. In 1601 he was presented by his college to a living in Cheshire, which he resigned in 1604. From 1604 to 1610 he was vicar of Holy Trinity, Coventry.[74] His volume entitled The Mystery of Witch-craft was not published until 1617, but it embodies information enough about the author's

[72] Pp. 77, 90. [73] P. 80.

[74] Ormerod, County of Chester, ed. Helsby, 1. 611; Joseph Welch, List of the Queen's Scholars of St. Peter's College, Westminister, ed. Phillimore, p. 59; Foster, Alumni Oxonienses, 1. 325; Dictionary of National Biography; Cooper, Mystery, sig. A2.

experiences and opinions in the time preceding the accession of James to make it available for our present purposes. Cooper's acquaintance with magic began while he was a student at Oxford. There was a time, he tells us, when he "admired some in the Vniuersitie famozed in that skill." "Did not," he exclaims, — "did not the Lord so dispose of mee, that my *Chamber-fellow* was exceedingly bewitched with these faire shewes, and hauing gotten diuers bookes to that end, was earnest in the pursuit of that glorie which might redound thereby? Did not wee communicate our Studies together? was not this skill proposed and canuased in common? And did not the Lord so arme his vnworthy seruant, that not onely the snare was gratiously espied; but, by the great mercie of my God, the Lord vsed mee as a meanes to diuert my *Chamber-fellow* from these dangerous studies?" [75] Thus we learn that when Cooper received his Cheshire living, in 1601, he was deeply impressed with the horror of dealing with devils. Between this date and 1610 he had several encounters with witchcraft, — at Northwich (near Chester), in Lancashire, and at Coventry.[76] Some of these are perhaps too late for us to use, but the Northwich incident falls in 1601 and 1602.[77] At all events, we are safe in believing that the sentiments which Cooper expresses in his volume do not differ appreciably from those which he entertained before James's accession. Now Cooper agrees in all essentials and in most particulars with Perkins, from whom he borrows largely without due acknowledgment.[78] Writing after the passage of the statute of 1604, he rejoices that the law has been made severer.[79] Yet he is not satisfied. Like Perkins, he holds that "the *Blesser or good Witch* . . . is farre more dangerous then the *Badde or hurting Witch*," [80] and that both kinds ought to be extirpated. Thus it ap-

[75] Pp. 12–13. [76] Sig. A3, A4, p. 13.

[77] Deacon and Walker refer to the case in their Summarie Answere to Darrel, 1601, p. 237. Darrel, in A Survey of Certain Dialogical Discourses, 1602, p. 54, gives the boy's name ("*Tho. Harison of North Wych in Ches shire*"), and says that he is "at this present very greuously vexed by Sathan."

[78] Compare, for instance, Cooper, pp. 52–55, with Perkins, pp. 19–22, 26, 27, 30, 31, 33, 34; Cooper, pp. 64–65, with Perkins, pp. 41–43; Cooper, p. 68, with Perkins, pp. 47–48; Cooper, pp. 128–133, 136, with Perkins, pp. 55–67, 73, 92, 104.

[79] P. 314. [80] P. 232.

pears that Cooper, though he wrote after the passage of the statute of 1604, may serve as a witness to the opinions that prevailed among many of the clergy at about the turn of the century.

Our fourth witness is a very strong one, and his testimony is not complicated by inferences about dates. He is George Giffard, another Oxford man. Giffard's Dialogue concerning Witches and Witchcrafts was first published in 1593, — a year otherwise notable in the annals of English sorcery, as we shall see in a moment. It was reissued in 1603, three years after his death.[81] Giffard was an eminent preacher of Maldon, in Essex. He passes for one of the earliest opponents of the witchcraft delusion, and with some reason, for he held that sickness and death ascribed to witchcraft were due to natural causes, he repudiated spectral and hearsay evidence, and he argued against convicting anybody except on conclusive testimony. Yet it never entered his head to deny the existence of witches or to doubt that they have dealings with the fiend. He tells us that the times were devil-haunted. "It falleth out in many places euen of a sudden, as it seemeth to me, and no doubt by the heauie iudgement of God, that the Diuels as it were let loose, do more preuaile, then euer I haue heard of. . . . Satan is now heard speake, and beleeued. He speaketh by coniurers, by sorcerers, and by witches, and his word is taken. He deuiseth a number of things to be done, & they are put in practise and followed." [82] Giffard is here speaking in his own person. Elsewhere in the dialogue he gives us a first-rate account of the popular terror. One of the interlocutors is "Samuel," an honest and well-to-do goodman. "They say," declares Samuel, "there is scarse any towne or village in all this shire, but there is one or two witches at the least in it." [83] And the annals of Essex bear out Samuel's views. Thirteen witches, as we have seen, were convicted and ten

[81] The Dictionary of National Biography and Dr. Usher date Giffard's death 1620. But he was doubtless the George Giffard of Maldon whose will was proved in 1600 (Transactions of the Essex Archæological Society, New Series, **7**. 46). For Giffard's connection with the Classical Movement of 1573–1592, see R. G. Usher, Presbyterian Movement, 1905, pp. xli, 9, 16, 19, 42, 94. For Giffard's reputation see D'Ewes, Autobiography, ed. Halliwell, **1**. 114.

[82] Dedicatory Epistle. [83] Ed. 1603, sig. A 3.

of them hanged at Chelmsford in 1582, and there were other executions there in 1579 and 1589. It was an outbreak in that same neighborhood in 1645 that started Matthew Hopkins on his career; and the evidence and confessions went back, in some instances for twenty, and even thirty years.[84] Giffard was a man of unusual humanity and strong common sense, as his book shows. Yet he was heartily in favor of a severer law than the statute of Elizabeth. The following passage from his Dialogue is a precious document for our present purposes. "Daniel" is the speaker who presents Giffard's own views; "M. B." is a schoolmaster.

Dan. A witch by the word of God ought to die the death, not because she killeth men, for that she cannot (vnles it be those witches which kill by poyson, which either they receiue from the diuell, or hee teacheth them to make) but because she dealeth with diuels. And so if a Iurie doe finde proofe that she hath dealt with diuels, they may and ought to finde them guiltie of witchcraft.

M. B. If they finde them guiltie to haue dealt with diuels, and cannot say they haue murdered men, the law doth not put them to death.

Dan. It were to be wished, that the law were more [p]erfect in that respect, euen to cut off all such abhominations. These cunning men and women which deale with spirites and charmes seeming to doe good, and draw the people into manifold impieties, with all other which haue familiarity with deuels, or vse coniurations, ought to bee rooted out, that others might see and feare. (Sig. K3.)

Here we have a highly intelligent preacher, a man of real influence, pressing for precisely that change in the law — the extension of the death penalty to witchcraft that produces bodily injury without death — which was actually embodied in the statute of 1604. And Giffard, like Perkins, condemns the "white witch" utterly. The evidence speaks for itself.

Perkins's Discourse and Giffard's Dialogue are strongly contrasted works. Giffard addresses his teaching to the unlearned: he throws his book into the form of a conversation (so he tells us) "to make it fitter for the capacity of the simpler sort." Perkins, on the other hand, writes for educated persons, — for those who can follow a close-knit scholastic argument. Giffard's aim is to free the minds of

[84] A True and Exact Relation of the severall Informations [etc.] of the late Witches, 1645, pp. 8, 15, 32, 34.

the common people from needless terrors and to prevent the shedding of innocent blood. Perkins, though he warns his readers (as Giffard does) against condemning on slender evidence, is chiefly bent on defending the witchcraft dogma against the assaults of Wierus and Reginald Scot. Yet both Giffard and Perkins hold tenaciously to the inherited belief. There *are* such things as witches; they *do* ally themselves with the devil; they *should* be punished. And in this matter of the penalty — which is our chief concern at the moment — Giffard and Perkins are in perfect accord. Both maintain that *all witches ought to be put to death, irrespective of the question whether they have killed men by their arts or not.* In other words, the Elizabethan statute seemed to them insufficient, and they urged the enacting of a law of greater severity. Could there be more illuminating evidence? Nothing can be clearer than that, about the turn of the century, before Elizabeth was dead and James had taken her place, there was strong pressure for a revision of the witchcraft law, and for revision in the direction taken by the statute of 1604. This was the kind of pressure to which the legislators yielded — nothing loth, to be sure. They were not browbeaten by King James, nor did they vote with an eye to the royal favor. They followed their own consciences, incited by the feelings of the populace and stimulated by the exhortations of the gravest counsellors they knew.

The four books that we have just examined would suffice to prove, even if there were no other evidence, that the accession of James found the English public — both in its educated and its uneducated classes — deeply impressed with the actuality of witchcraft as an ever-present menace to soul and body, intensely excited on the subject, and pressing hard for the extermination of witches.[85] But there is other evidence in plenty. The records from 1582 to 1603 abound in specific cases. Two items call for particular notice: the Darrel affair (1586–1601), and the affair of the Witches of Warboys (1589–1593). There is a close psychological connection between them.

[85] The general anxiety of Englishmen as Elizabeth's death drew nigh is graphically described by Dekker, The Wonderfull Yeare, 1603 (Works, ed. Grosart, 1. 94–96). Such crises are always favorable to outbreaks of witch-prosecution.

John Darrel, a Cambridge graduate, was a Puritan preacher in Derbyshire when (in 1586) he began his career as a caster-out of devils. In 1598 he was summoned before an ecclesiastical commission over which Archbishop Whitgift presided. Bishop Bancroft and Chief Justice Anderson were members of the commission. More than forty witnesses were called. Some of the demoniacs confessed fraud, and Darrel, with his associate George More, was convicted of imposture and imprisoned.[86] There had been an uproar over the possessions and the exorcisms, and popular opinion sided with Darrel. Samuel Harsnet, the cleverest of Bishop Bancroft's chaplains, was delegated to write up the case. His famous Discovery came out in 1599, and was expected to overwhelm Darrel with ridicule and odium. In the long run it has had this result, for Darrel is usually treated nowadays as an impostor. But it had no such effect at the time. Both Darrel and More wrote long replies, and printed them surreptitiously in defiance of the authorities.

Bancroft soon discovered that Harsnet's skirmishing was not sufficient, and he brought his heavy troops into action. Two treatises, of unimaginable ponderosity in style and matter, each elaborated in concert by two preachers, John Deacon and John Walker, came out in 1601.[87] Harsnet had railed and ridiculed and "exposed," but he had steered clear of dialectics. Deacon and Walker toiled to supply the desideratum. Using all the scholastic machinery, they tried to prove, by logic and Scripture, that there is no such thing as demoniacal possession nowadays, and that Darrel's demoniacs were either counterfeiting or else afflicted with natural diseases. Darrel promptly replied to both books, printing his answers surreptitiously, as before.

Strange as it may seem, Darrel has the best of the argument. For his opponents admit both too little and too much. They admit too little, since they wish the fits to appear fraudulent, whereas these were, beyond a shadow of doubt, genuine hysteria, of which lying and imposture are well-recognized symptoms. Darrel was sharp enough to see that, as managed by his opponents, the hypothesis of fraud

[86] Harsnet, Discovery, 1599, pp. 8–9.
[87] Summarie Answere, and Dialogicall Discourses.

and the hypothesis of disease thwarted each other, and left some kind of demonic assault in possession of the field. They admit too much, because they themselves grant the existence of evil spirits of vast power (nay, take pains to demonstrate their existence), and because they accept demoniacal possession as a fact in ancient times, though they reject it for the present age. This rejection was, of course, quite arbitrary, and their attempts to justify it from Scripture were pitifully weak. Darrel could appeal to facts and experience. His patients had manifested the same symptoms as the demoniacs of old, and it was obviously absurd to force a distinction. If the afflicted persons in Bible times were possessed with devils, then his patients were possessed with devils; and if he had relieved them (as he surely had), then there was no reason which Deacon and Walker could make valid to reject the corollary of dispossession.

But what connection has this strange affair with witchcraft? Here we must walk circumspectly, for misapprehensions are rife. It is often inferred that Bancroft and Harsnet, because they denounced Darrel and his patients as tricksters, had no belief in witchcraft. This is a false conclusion. A demoniac is not necessarily bewitched. He may owe his dire condition to some witch's malice, or, on the other hand, the devil may have assailed him immediately, without a witch's agency. Further, there are many evil things done by witches which have no reference to demoniacal possession. In all of Darrel's cases, to be sure, witches were accused. To some extent, then, Bancroft and his assistants were, in effect, attempting to discredit the witch dogma, since they were attacking the genuineness, or the diabolical origin, of certain phenomena ascribed, in these particular instances, to witchcraft. But (and we cannot be too careful in making the distinction) *they did not deny either the existence or the criminality of witches in general*, any more than they denied the existence of wicked spirits. They strove to explode the theory of demoniacal possession; but they did not attack the witchcraft dogma. Indeed, they took care to avoid committing themselves on that head. For, even if they had no faith in the dogma, they knew that to assail it would throw them out of court, inasmuch as the belief in

witchcraft was, in some form or other, universal among all classes and all persuasions.

Further, Bancroft and his aids, in their opposition to Darrel, were not espousing the cause of alleged witches, — or, if so, they were doing it in a purely incidental way. Their object was quite definite and unconcealed. They were warring against the Puritans [88] and the Roman Catholics, whom they regarded as foes to Church and State. Puritan preachers and Roman Catholic priests both professed to cast out devils. In Bancroft's eyes these were absurd pretensions. Yet the people and many of the clergy were much impressed. There was danger ahead, so the Bishop thought. A vigorous campaign was necessary. But the campaign was political and ecclesiastical, not humanitarian. Its aim was not to save witches, but to crush exorcists.[89]

Here is a significant bit of evidence on this point. In 1602 Mary Glover, the daughter of a merchant in Thames Street, had weird seizures, which she attributed to the malign spells of Elizabeth Jackson. The neighbors were eager to prosecute, but a physician informed Chief Justice Anderson that "the maid did counterfeit." Anderson directed Sir John Croke (Recorder of London) to summon the girl to his chamber in the Temple and test the matter. Croke

[88] "Phantastical giddy-headed Puritans" Archbishop Matthew Hutton of York calls them in a letter to Whitgift, Oct. 1, 1603 (Strype's Life of Whitgift, 1718, p. 570).

[89] The exorcisms of the Jesuit Edmunds (alias Weston) and his associates in 1585 and 1586 were similarly attacked by Bancroft and Harsnet. See Harsnet's famous diatribe, A Declaration of Egregious Popish Impostures, 1603 (2d edition, 1605). The Roman Catholics were no more convinced in this case than the Puritans were in that of Darrel (see the references to Yepez and others in Mr. T. G. Law's article on Devil-Hunting in Elizabethan England, in the Nineteenth Century for March, 1894, **35**. 397 ff.). On Sir George Peckham, who was involved in this affair, see Merrimam, American Historical Review, **17**, 492 ff. Compare Sir George Courthop on the Nuns of Loudun (Memoirs, Camden Miscellany, **11**. 106–109); see also Evelyn's Diary, August 5, 1670.

Darrel's opponents did their best to stigmatize his principles and practices with regard to demoniacal possession as identical with those of the Roman Catholic Church. Thus Deacon and Walker, speaking of Darrel, inform their readers that "he hath for a season (though feare and shame enforceth him now to pluck in his head) very prowdlie *ietted* from countrie to countrie like a pettie new *Pope* among his owne *Cardinals;* yea and that also in his *pontificalities,* portrayed and contriued after the *new-found popelike cut*" (Summarie Answere, 1601, Address to the Reader).

did so in 1603, having both the maid and the witch present, with divers neighbors and certain ministers. He was convinced, by various drastic tests, that there was no imposture, and committed Mother Jackson to Newgate. At the Recorder's instance, several ministers undertook to relieve the girl by fasting and prayer. They were completely successful. One of them, Lewis Hughes, was despatched to Bishop Bancroft with the tidings. He was not well received. "I . . . could have no audience," he writes, "and for my paines I was called Rascall and varlot, and sent to the Gatehouse, where hee kept me foure moneths." [90] But Mother Jackson was arraigned and convicted in due course. Bancroft, we observe, was certain that this was not demoniacal possession, and he imprisoned the exorciser. But he made no effort, so far as we can learn, to rescue the witch. He left her to the courts with a good conscience.

This episode fell just after the so-called exposure of Darrel. The date makes it instructive. The Recorder, we note, was still a believer in possession, despite the arguments of Bancroft's literary bureau, and so were many (perhaps most) of the clergy. Indeed, we must not too hastily assume that all the bishops even were ready to subscribe to Bancroft's extreme tenets. Take the case of Thomas Harrison, the Boy of Northwich, in Cheshire. His fits began in 1600 or 1601 and lasted a year or two. He was kept for ten days in the Bishop of Chester's palace and carefully watched, but no fraud was detected. The Bishop (Richard Vaughan) and three other commissioners issued an order that, "for [his] ease and deliverance" from "his grievous afflictions," public prayers should be offered for him in the parish church "before the congregation so oft as the same assembleth." They delegated seven clergymen to visit him by turns, and "to use their discretions by private prayer and fasting, for the ease and comfort of the afflicted." Some held, this

[90] Certaine Grievances, 1641, p. 20. See George Sinclair, Satan's Invisible World Discovered, 1685, Relation XII (reprint, 1871, pp. 95–100; cf. Ferguson, Publications of the Edinburgh Bibliographical Society, 3. 56–57); Commission on Historical MSS., 8th Report, Appendix, Part i., p. 228. An account of the affair, by George Swan, was published in 1603, under the title, A True and Brief Report, etc. On Lewis Hughes see Kittredge, George Stirk, Minister (reprinted from the Publications of the Colonial Society of Massachusetts), 1910, pp. 18–21.

document informs us, "that the child [was] really possessed of an uncleane spirit." This Bishop Vaughan and the other commissioners doubted. But they did not think he was shamming. They had "seene the bodily affliction of the said child," and observed in sundry fits very strange effects and operations, they tell us, "either proceeding of natural vnknowne causes, or of some diabolical practise." [91] And Harvey, one of the clergymen appointed by the Bishop to fast and pray, wrote to a friend that nothing like the "passions [*i.e.* sufferings], behavior, and speeches" of the boy had "ever come under his observation or occurred in his reading." "Few that have seene the variety of his fits, but they thinke the divell hath the disposing of his body. Myselfe have divers times seene him, and such things in him as are impossible to proceed from any humane creature. The matter hath affected our whole country. The Divines with us generally hold, that the child is really possessed." [92] A contemporary memorandum assures us that once, when the Bishop was praying with him, "the Boy was so outragious, that he flew out of his bed, and so frighted the Bishops men, that one of them fell into a sown, and the Bishop was glad to lay hold on the boy, who ramped at the Window to have gotten out." [93]

Joseph Hall, afterwards Bishop of Exeter (1627) and of Norwich (1641), in disputing with a Belgian priest in 1605, asserted roundly that "in our church, we had manifest proofs of the ejection of devils by fasting and prayer." [94] Hall was a firm believer in witchcraft and approved of the statute of 1604.[95]

[91] Darrel, Replie, 1602, p. 21. [92] Darrel, pp. 21–22.

[93] John Bruen's memoranda, in William Hinde's Life of John Bruen (born 1560, died 1625), in Samuel Clarke, Marrow of Ecclesiastical History, Part ii., Book ii., 1675, p. 95. Bruen (who was a Cheshire man) was an eyewitness of the boy's fits, and his notes, as excerpted by Hinde, give a good idea of his ravings (pp. 94–96). The boy cried out against "the witch," but I do not find that anybody was brought to trial.

[94] Autobiography, Works, ed. Hall (1837), 1. xxi. Hall may have had in mind the case reported by Bishop Parkhurst in a letter to Bullinger, June 29, 1574 (Zurich Letters, ed. Hastings Robinson, 1842, No. 118, translation, p. 118, original, p. 178).

[95] Works, 6. 136–137; 7. 245–246; Contemplations, Works, ed. 1628, pp. 1134–1135.

And now we will go back a few years in order to see what the bishops and the judges thought, and how they acted, when a case combining demoniacal possession with witchcraft was not complicated by Puritan or Roman Catholic exorcism. Let us examine, as briefly as may be, the celebrated case of the Witches of Warboys. The story has been told again and again, but its actual bearing on the history of English witch prosecution has never been pointed out. The Warboys case lasted from 1589, when the fits of the afflicted persons began, until 1593, when the witches were hanged.

Robert Throckmorton, Esquire, was a Huntingdonshire gentleman of excellent family and connections. He was of Ellington, but had removed to Warboys shortly before our story begins. Both these places are near the county town, and therefore not far from Cambridge. The disturbance began in November, 1589, when Jane, Mr. Throckmorton's daughter, a girl of about ten years, was attacked with violent hysteria. In her fits, she called out against Mother Samuel, an aged neighbor. Two first-rate physicians of Cambridge were consulted, Dr. Barrow (a friend of Mr. Throckmorton's) and Master Butler. The latter was, I suppose, William Butler (1535–1618) of Clare Hall, of whom Aubrey tells several amusing anecdotes. Aubrey informs us that he "never tooke the degree of Doctor, though he was the greatest physician of his time." [96] Both Barrow and Butler were baffled, and Barrow ascribed the fits to witchcraft, remarking that he himself "had some experience of the mallice of some witches." [97] This speech is worth noting, for it throws light on the state of mind of university men. Within two months, Mistress Jane's four sisters — ranging in age from nine to fifteen years — were similarly attacked, and they all cried out against Mother Samuel. This affliction lasted until April, 1593, or about three years and a half. In the interval six or seven womenservants (for the Throckmorton ménage was of course somewhat unstable) suffered from just such fits, — and also the wife of one of the girls' maternal uncles, Mr. John Pickering of

[96] Brief Lives, ed. Clark, 1. 138.
[97] The Witches of Warboys, 1593, sig. B2 r°.

Ellington. Mother Samuel was believed to be the cause of it all. Yet the children's parents acted with exemplary caution. They had no wish to prosecute Mother Samuel, but treated her kindly and gave their attention to caring for the girls and urging her to confess. Her confession and repentance, it was hoped, would put an end to the fits.

About Christmas, 1592, Mother Samuel admitted her guilt. Even then there was no immediate thought of bringing her to justice. She was in great distress of mind, and both Mr. Throckmorton and Dr. Dorington, the parson of Warboys, exerted themselves to give her Christian consolation as a repentant sinner. However, she almost immediately retracted, whereupon Mr. Throckmorton, losing patience at last, took her before the Bishop of Lincoln (William Chaderton) and certain justices. She again made admission of guilt. Soon after the girls fell into their fits afresh, and they now accused the old woman of the death of Lady Cromwell, the second wife of Sir Henry Cromwell of Hinchinbrook, the great landowner of those parts, known for his splendor as the Golden Knight.

The Cromwells and the Throckmortons were friends, and, in September, 1590, Lady Cromwell, being then at Ramsey, only two miles from Warboys, had made a call of sympathy on the family. Mother Samuel, who lived next door, had been summoned. The Samuels were Sir Henry's tenants, and the lady spoke roughly to the old woman, accusing her of witchcraft, and snatched off her cap and clipped off a lock of her hair. This she told Mistress Throckmorton to burn. Mother Samuel uttered some words which, when later remembered, passed for the *damnum minatum*. That night Lady Cromwell was strangely attacked, and she died after an illness of a year and a quarter, — that is, about the beginning of 1592. Nobody appears to have connected Mother Samuel with her death until, in 1593, the afflicted girls charged her with it in their ravings. They extended the accusation to John Samuel, her husband, and Agnes, her daughter. All three were tried at Huntingdon before Justice Fenner on April 5th, 1593. Mother Samuel confessed, and, with her husband and daughter, was hanged, according to the Elizabethan statute. There was no doubt of their

guilt in anybody's mind. Mother Samuel herself thought the girls bewitched, and old Samuel was finally convinced that his wife was guilty.

Several causes combined to make this the most momentous witch-trial that had ever occurred in England. The long continuance of the phenomena and the station of the victims were alone sufficient to give the affair wide currency. The family was connected with many persons of importance. Mr. Robert Throckmorton was related to the Warwickshire and the Gloucestershire Throckmortons. One of his first cousins, also named Robert, lived at Brampton, Northants, close by, and often witnessed the girls' fits. The girls' maternal uncle, Mr. (afterwards Sir) Gilbert Pickering of Tichmarsh, and his brothers, John and Henry, were deeply interested, and gave evidence at the assizes. So did Dr. Francis Dorington, the Warboys rector, who was the husband of Mr. Throckmorton's sister. Robert Poulter, vicar of Brampton, another witness, was also connected with the family.[98] Francis Cromwell, Sir Henry's brother, was one of the justices to whom Mother Samuel confessed. The Cromwells were among the best-known commoners in the kingdom. Dr. Dorington's brother John, a Londoner, visited the children in their attacks, and of course he talked of the affair in the capital.

The connections with Cambridge were also very intimate. The physicians consulted by Mr. Throckmorton, as we have noticed, lived there, and they were both university men. Dr. Francis Dorington, the parson of Warboys, who had married Mr. Throckmorton's sister, and Thomas Nutt, the vicar of Ellington, were also Cambridge graduates.[99] Both were deeply interested in the case, and gave evidence at the trial. Henry Pickering, one of the children's maternal

[98] See the Throckmorton pedigree (drawn up by Robert Throckmorton himself in 1613) in Charles's Visitation of the County of Huntingdon, ed. Ellis, Camden Society, 1849, pp. 123–124, and the Pulter pedigree, in the same, p. 101. Cf. the Pickering pedigree in Bridges, Northamptonshire, 2. 383–385.

[99] Dorington was A.B. 1555, Fellow of St. Catherine's College 1558, A.M. 1559, S. T. B. Queen's College 1565, S.T.P. 1575. Nutt matriculated at Peterhouse 1568; he was A.B. 1573, A.M. 1577. For this information, as well as the university record of Henry and Thomas Pickering (the editor of Perkins's Discourse), I am indebted to the kindness of the Registrary, Dr. J. N. Keynes, and the good offices of Professor Skeat.

uncles, was at Christ's College when the fits began.[100] He not only visited the Throckmortons in 1590, "being then a Scholler of Cambridge," and stayed there three or four days, but he took two other scholars of his acquaintance to see the witch, and we have a pretty full account of the interview. Mr. Pickering was fully persuaded that Goody Samuel was a witch. Being somewhat moved, he told her that "there was no way to preuent the iudgements of God, but by her confession and repentance: which if she did not in time, he hoped one day to see her burned at a stake, and he himselfe would bring fire and wood, and the children should blowe the coales."[101] This Mr. Henry Pickering became, in 1597, rector of Aldwincle All Saints, in Northamptonshire. His daughter Mary married Erasmus Dryden (son of Sir Erasmus), and became the mother of the illustrious poet, who was born at the parsonage house of Aldwincle All Saints in 1631.[102] Thus it appears that the five tormented Throckmorton girls were first cousins of the poet's mother, and that Mrs. Throckmorton was his great-aunt. We note that William Perkins, whose treatise on witchcraft we have examined, was a fellow of Christ's College during most of the time when these fits were going on. It is curious, too, that the publisher of Perkins's posthumous treatise (another Cambridge man) was Thomas Pickering,[103] doubtless a relative, though we cannot be certain of that. Both Sir Henry Cromwell and his son Oliver had been at the university.

The Warboys case, then, demonstrably produced a deep

[100] Henry Pickering was a younger son of Sir Gilbert Pickering, Knight, of Tichmarsh, Northamptonshire. He matriculated at Christ's College, as a Pensioner, March 16, 1582–3, was A.B. 1586, A.M. 1590, and incorporated at Oxford 1593 (see note 99, above).

[101] Witches of Warboys, sig. E3.

[102] The year when Pickering became rector of Aldwincle All Saints, and the date of his death (1637, aged 75), were first correctly given (from his tombstone) by Mr. W. D. Christie in the Globe Edition of Dryden's Poetical Works, 1870, p. xvi., note †.

[103] Thomas Pickering was admitted at Emmanuel College as a Pensioner in 1589. He was A.B. 1592, A.M. and Fellow 1596, B.D. 1603. He became Vicar of Finchingfield, Essex, March 9, 1605–6, and died there in 1625. For these facts I am indebted to the Registrary of the University, Dr. J. N. Keynes, and to Mr. J. B. Peace, Bursar of Emmanuel. His marriage license was issued May 4, 1611; his will was proved 1627, and administration was granted March 13, 1625–6 (Transactions of the Essex Archæological Society, New Series, 6. 299).

and lasting impression on the class that made laws. The gentlemen concerned were not ignorant country squires in the remote districts; they were intelligent, well-educated men, in close contact with one of the universities and with the capital.

Nor was the impression allowed to die out. It was perpetuated in two ways — by a remarkable book and by a permanent foundation. The presiding judge, Edward Fenner, was so much struck by what he had seen and heard (for the children had their fits in his presence) that he joined with others to further the publication of a narrative, — The Most Strange and Admirable Discoverie of the Three Witches of Warboys, — which was printed in London in 1593. Full notes had been kept from the outset (as befitted the intelligence and education of the families concerned) and these were used by the author. This is no mere catchpenny tract. It is a careful and temperate report of the girls' malady from first to last. Nothing comparable to it, considered as a report on a long-continued case of epidemic hysteria, had ever appeared in England. The details, at which modern writers on witchcraft are wont to jeer, are no more ridiculous than the details in recent and esteemed treatises on *la grande hystérie*, or on multiple personality. That it kept the Warboys case alive long after the accession of James I. is certain, for Dr. John Cotta, in 1616 and again in 1624, refers to the "Treatise of the Witches of Warbozys" as authoritative.[104] He had no doubt whatever that the Throckmorton girls were bewitched.[105]

Finally, Sir Henry Cromwell took effectual measures for

[104] Triall of Witch-craft, 1616, p. 77.

[105] Samuel Harsnet, when in full cry after Darrel, did not venture to attack the Warboys case directly. True, he refers slightingly to the printed narrative as a "silly book," but in the same breath he suggests that one of Darrel's patients had taken a leaf out of it. And Darrel, in replying, taunts Harsnet with not daring to assail the case openly. That Mr. Throckmorton's children, says Darrel, "were tormented by the diuell, even 5. of his daughters, it is notoriously knowne, and so generally receaued for truth, as the *Dis*[*coverer*]. himselfe [*i.e.* Harsnet] dareth not deny it, though fayne he would, as appeareth by his nibling at them" (Detection of Harshnet, 1600, p. 39; cf. pp. 20–22, 36, 40). And again, he does not hesitate to declare that Harsnet refrained from accusing the Throckmorton girls of counterfeiting because he did not dare: "He thought it best and meet for his safety becaus they were the children of an Esquire, not to say so in plaine tearmes" (p. 21).

perpetuating the impression made by the long-continued phenomena, the trial, and the book. Certain goods and chattels of the executed felons were forfeited to him as lord of the manor. He disdained to keep the money and wished to devote it to public uses. Hence he established an annual sermon at Huntingdon, to be delivered by a fellow of his own college, Queen's of Cambridge. The appointee was to "preache and invaye against the detestable practice, synne, and offence of witchcraft, inchantment, charm, and sorcereye." The sermon was maintained until 1812, but toward the end its burden was turned to the explosion of the old belief.[106]

And now, when we come to apply what we have observed of the state of educated public opinion and to estimate its presumable effect on the legislators of 1604, who passed the revised statute, we are struck with a fact which all investigators have overlooked or ignored. *Two gentlemen were sitting in the House of Commons who had the strongest personal interest in the Warboys case.* The Samuels had been hanged, not for tormenting the Throckmorton girls,[107] but for bewitching Lady Cromwell to death. As we run our eye down the list of Members of Parliament, it is arrested by two names, — Sir Oliver Cromwell and Henry Cromwell, — one the member for the County of Huntingdon, the other for the borough. These were sons of that Sir Henry whose wife had died (as all believed) from Mother Samuel's arts, and who had founded a sermon in perpetual memory of the murder.

Both Sir Oliver and Henry Cromwell might therefore be presumed to have an effective knowledge of the case. But we are not left to conjecture. Their uncle, Francis Cromwell, was one of the justices to whom Goody Samuel confessed.[108] Mr. Henry Cromwell himself had visited the Throckmorton house with one of Sir Henry's men and had observed two of the girls in their fits.[109] This was in 1593, shortly before the actual trial, and after the girls had begun to accuse the Samuels of Lady Cromwell's murder. As for

[106] J. H. Gray, Queen's College, 1899, pp. 128–129.

[107] That offence, under the Elizabethan statute, was punishable only by imprisonment and the pillory, for none of the girls had died.

[108] Sig. I r°; cf. sig. P 2 v°. [109] Sig. N3.

Sir Oliver, his wife had accompanied her mother-in-law on the fatal visit to the Throckmortons, and had been present at her interview with Goody Samuel. That night, Lady Cromwell was "strangly tormented in her sleep, by a cat (as she imagined) which mother Samuel had sent vnto her." Mistress Oliver Cromwell was sleeping in the same bed (her husband being from home), and was awakened by the "strugling and striuing of the Lady . . . and mournfull noise, which shee made speaking to the cat, and to mother Samuel." Mistress Oliver roused her mother-in-law, who told her all about her dream. Lady Cromwell had no more sleep that night, and soon after sickened, as already told.[110] We may be sure that when Mr. Oliver Cromwell returned, he was put in full possession of both ladies' experiences. Surely neither Sir Oliver Cromwell nor his brother stood in need of instruction in the witch dogma from James I., or required any royal influence to persuade them to vote for the statute of 1604.

It is worth while to follow the clue a little farther, and to glance at the parliamentary history of the statute. Most writers have been quite innocent of any knowledge that it even had such a history. Yet there it stands in the Lords' and Commons' Journals, and an instructive history it is.

The bill originated in the House of Lords. The first reading took place on March 27, 1604. On the 29th it was read a second time and referred to a committee consisting of six earls, sixteen other peers, and twelve bishops. The committee was to have the most expert advice conceivable, and to that end an imposing array of legal talent, learning, and experience was requested "to attend the Lords" in their deliberations. Here is the list: the Chief Justice of Common Pleas (Anderson), the Chief Baron of the Exchequer (Sir William Peryam), two justices of the King's Bench (Sir Christopher Yelverton and David Williams), Serjeant Croke, the Attorney-General (Coke), and Sir John Tindall, a distinguished ecclesiastical lawyer. Nor was all this a mere flourish. The committee and its eminent counsel took their duties seriously. They rejected the draft that

[110] Sig. E 3 r°.

had been referred to them, and, on the 2d of April, the committee reported a new bill, "framed by the committee." This was brought into the Lords by the Earl of Northumberland. It received certain amendments, and, on May 8th, after the third reading, was passed and sent to the House of Commons. Here, too, there was careful deliberation. On May 11th the bill had its first reading; and on the 26th it was read a second time and referred to a committee of seventeen, including the Recorder of London and two serjeants-at-law (Hobart and Shirley), which was directed to meet on the first of June in the Middle Temple Hall. On the 5th, Sir Thomas Ridgeway, for the committee, reported the bill "with alterations and amendments." On June 7th it came up for the third reading, was passed as amended, and on the 9th was sent up to the Lords.[111]

This bare statement of recorded facts disposes of the myth that King James was the author or the father of the statute which has so long been associated with his name and fame. Whether the measure was good or bad, — whether its results were great or small, — the Lords and Commons of England, and not the king, must shoulder the responsibility.[112] And it is in complete accord with what we should expect from the caution with which both houses proceeded and the care which their committees took, that the statute, when finally it left the hands of Parliament, was not really a new law at all, but simply a modification and extension of the statute of Elizabeth.

Two names on the Lords' Committee catch the eye immediately, — the Earl of Derby and the Bishop of Lincoln. Ten years before, in 1594, a short time after the witches of Warboys were hanged, Ferdinando, fifth Earl of Derby, had died at Latham after a ten days' illness. The physicians (he had four) ascribed his disease to a surfeit combined with

[111] Lords' Journals, 1. 267, 269, 271, 272, 293, 294, 316; Commons' Journals, 1. 204, 207, 227, 232, 234, 236.

[112] The object of the law was not to multiply culprits, but to deter men from committing the crime. The idea that very great severity defeats its object did not then obtain among penologists. Take an example of the temper of intelligent men in this regard. In May, 1604, William Clopton writes to Timothy Hutton: — "There is an act passed to take away the clergie from stealers of sheep and oxen, which will do much good" (Hutton Correspondence, Surtees Society, 1843, p. 195).

over-exertion. But there were grave suspicions of sorcery. The earl had dreamed strange dreams; he had been "crossed" by an apparition "with a gastly and threatning countenance." An image of wax was discovered in his bedroom. "A homely Woman, about the age of fifty yeeres, was found mumbling in a corner of his honours Chamber, but what God knoweth." Three other suspected witches appear in the case at divers times and in sundry manners. The earl himself "cryed out that the Doctors laboured in vaine, because hee was certainely bewitched." In the end, the opinion seems to have prevailed that he died from natural causes.[113] But it would be extraordinary if all the circumstances had not made a profound impression on his younger brother, who succeeded him, and this is the Earl of Derby whom we have noted in the Lords' Committee on the bill. Another person who must also have been deeply affected by these strange happenings was the Bishop of Chester, who attended the dying man. This was Dr. William Chaderton, who was translated to Lincoln in 1594, and he, too, sat in the Lords' Committee.

Henry Percy, Earl of Northumberland, who reported the second draft from the committee, was a famous student of the occult sciences and was popularly known as "the Wizard Earl." Like Dr. Dee, he believed that his own investigations were free from the taint of diabolism, but, like Dee, he must also have felt convinced that there were others who *did* traffic with the infernal powers, and that such persons deserved punishment.

Henry Howard, Earl of Northampton, another member of the Lords' Committee, had the reputation of being the most learned of the peers. He was a firm believer in the actuality of communication between mortals and wicked spirits. In his erudite Defensative against the Poyson of Supposed Prophecies, written in 1582 and 1583, he declared that one of the means "whereby the contagion of vnlawfull Prophesies is conueyed into the mindes of mortall men, is conference with damned Spirits or Familiars, as commonly we call them." [114] And he unhesitatingly ascribed the clairvoyance

[113] Stow, Chronicle, ed. Howe, 1631, pp. 767–768.

[114] Ed. 1620, p. 81.

of cunning men and women to such revelations, — taking as an example their disclosure of the thief in a case of cutting a purse.[115]

Let us turn to the Commons' Committee. Here we find several interesting names. Sir Roger Aston had been English resident in Scotland. This may be held to be a two-edged argument, but we do not need it, for there are plenty more. Two of the most notoriously witch-haunted counties in England were Lancaster and Essex. Now, Lancashire was represented on the committee by Sir Richard Molyneux of Sefton. As for Essex, not only was the county member, Sir Francis Barrington, on the committee, but also Sir Robert Wroth, who lived principally at Loughton Hall, in Essex. He was a man of forty-odd when Brian Darcey's great St. Osyth cases were tried and ten witches were hanged at Chelmsford in that county. Other executions at Chelmsford took place in 1579 [116] and 1589.[117] Giffard, we remember, was an Essex preacher, and his Dialogue, published in 1593 and reissued in 1603, had urged the sharpening of the statute in the precise direction which this parliament took. Wroth had large possessions in Middlesex and sat for that county.[118] Now of the twenty-nine years from 1573 to 1601 there were witch-records for thirteen. Serjeant Ho-

[115] P. 85. Bishop Bancroft and the Earl of Shrewsbury were on the Lords' Committee. The bishop had been the leading spirit in the prosecution of Darrel, and the earl had been present at the trial. But this is no reason why they should have opposed the statute. As we have seen, Bancroft was a prosecutor of exorcists, not a protector of alleged witches. In the Synod called by James (which sat concurrently with Parliament, and broke up on July 9, 1604, two days after Parliament rose) a canon (written by Bancroft) was adopted, forbidding clergymen, without proper license, "to attempt upon any pretence whatsoever, eyther of Possession or Obsession, by fasting, and prayers to cast out any Devill or Devills" (Canon 72, Constitutions and Canons of the Synod of 1603, ed. 1633; cf. J. W. Joyce, England's Sacred Synods, 1853, pp. 620 ff.; Cardwell, Synodalia, 2. 583 ff.). This canon was in no wise inconsistent with the statute, nor can it have been so regarded by the twelve bishops who sat on the Lords' Committee. At all events, James I. showed himself quite as skeptical as Bancroft in cases of alleged possession (see pp. 47 ff., below).

[116] Collier, 2 Notes and Queries, 12. 301; Arber, Stationers' Register, 2. 352, 358.

[117] Arber, 2. 525; cf. Collier, as above, p. 301.

[118] On the Wroth family see a series of papers by Mr. W. C. Waller in the Transactions of the Essex Archæological Society, New Series, 8. 145 ff., 345 ff.; 9. 1 ff. On Sir Robert Wroth (1540–1606) see especially 8. 150 ff. His son Robert (1576–1614, knighted in 1603) was one of Ben Jonson's patrons (see 8. 156 ff.).

bart (later Sir Henry) was likewise a committeeman. What he thought of witchcraft we may infer from his conduct when Lord Chief Baron of the Exchequer at the trial of Margaret and Philip (*i.e.* Philippa) Flower, who were executed in 1619 for bewitching to death two sons of the Earl of Rutland.[119] Nobody will suggest that he learned his creed from James I. If any should be so absurd, we may balance him by Sir Humphrey Winch, also an M.P., though not on the committee, who, in 1619, incurred the wrath of the king by condemning nine witches to death in a case which James himself shortly after exposed as an imposture. We shall return to this in a moment.[120] There was a Mr. Throckmorton on the committee. This was John Throckmorton, M.P. for Gloucestershire. The Throckmortons of that county were related to those of Huntingdonshire. It is likely that Mr. John had felt some share of the universal interest roused by the experiences of his distant kinswomen of Warboys. The Recorder of London also sat on the Commons' Committee. This was Henry Montagu,[121] afterwards Chief Justice of the King's Bench (1616) and Earl of Manchester (1626). He was of Christ's College, Cambridge, where he had been a younger contemporary of William Perkins, whose strong advocacy of more stringent laws against witchcraft we have already noted. Later, he was a patron of Thomas Cooper, whose book about witchcraft we have examined.[122] James Montagu, who preached Perkins's funeral sermon, was his younger brother.[123] Their father, Sir Edward Montagu, was likewise on the Commons' Committee. Can there be any doubt of the opinions of this family on the subject of witchcraft? Must we look to James I. as the source of their views? Finally, we note with peculiar interest that the bill was reported, with amendments, from the committee to the House by Sir Thomas Ridgeway, of Devon, before whom, in 1601 and 1602, were taken an extraordinary series

[119] See pp. 59–60, below.

[120] See pp. 57–59, below.

[121] He became Recorder in 1603 (Calendar of State Papers, Domestic, 1603–1610, pp. 10, 14; cf. Foss, Judges of England, 6. 167 ff.; Peile, Biographical Register of Christ's College, 1910, 1. 173).

[122] Life of Cooper in Dictionary of National Biography.

[123] See p. 21, above. Cf. Peile, Biographical Register of Christ's College, 1910, 1. 181.

of examinations accusing the Trevisard family of witchcraft.[124]

It is time to study the advisory board of legal experts who were attached to the Lords' Committee on this most earnestly debated bill. Three of these attract our particular attention, Chief Justice Anderson, Serjeant Croke, and Coke, then Attorney-General.

Sir Edmund Anderson had been chief justice for twenty-two years. He knew all about the workings of the Elizabethan statute. At first sight one might think him opposed to witch prosecution, for he had taken a leading part in "exposing" Darrel, and he had a lively sense of the danger of popular excitement to the innocent in such matters. But a moment's thought will set us right. Perkins and Giffard and Dr. Cotta — nay, James himself, as we shall see presently [125] — thought that judges ought to be very careful to sift the evidence and protect the innocent, but none of them doubted that a witch whose guilt was proved ought to be condemned. So the majority of civilized men to-day believe in the wisdom and righteousness of the death penalty for a certain grade of crime, but all are agreed that care should be taken to clear the innocent. An instructive example of the distinction that we must make may be seen in the person of Sir Edward Bromley. At the same assizes, in 1612, Bromley presided over two sets of witch-trials, those of the Pendle witches and those of the witches of Salmesbury. In the Pendle cases, he could not doubt the evidence, and he condemned ten to death with complete assurance that he was doing right. Cotta, himself, in 1616, speaks of the evidence in these cases with regard to sorcery by means of "pictures of waxe" as "proued" by "testimonies beyond exception." [126] In the Salmesbury cases, on the contrary, Bromley saw reason to suspect the veracity of the chief witness for the prosecution, and followed up the clue so well that the defendants were acquitted.[127] Students of demonology will not forget that modern writers have seen fit to gird at Bromley, not only for his supposed cruelty and superstition

[124] See p. 17, above.
[125] See pp. 48, 53, 58, 63–64, below.
[126] Triall of Witch-craft, p. 90.
[127] Potts, Wonderfull Discoverie, 1613, sigs. K3–N2.

in condemning the witches of Pendle, but also — strange to say — for the ground on which he first entertained the suspicion that led to the acquittal of the other group. But it is hard to satisfy modern writers on witchcraft, who insist on censuring the sixteenth and seventeenth century on a basis of modern rationalism. It is quite certain that if some of those who now sit in judgment on the witch-prosecutors had been witch-judges, no defendant would ever have escaped.

But we must return to Chief Justice Anderson, who, as well as Sir John Croke, sat on the committee of advisers to the Lords. Anderson and Croke had been associated, in 1603, in the affair of Mary Glover, which we have already considered. This happened before the accession of James. Croke appears therein as a devout believer in both demoniacal possession and witchcraft, and there is no reason to suppose that Anderson was in any way dissatisfied with his proceedings.[128]

Now for Coke, the Attorney General. There is a new provision in the statute of 1604 (not found in the Elizabethan law) imposing the death penalty on any one who shall "take up any dead man, woman, or child out of his, her, or theire grave, or any other place where the dead bodie resteth, or the skin, bone, or any other parte of any dead person, to be imployed or used in any manner of Witchcrafte, Sorcerie, Charme, or Inchantment." Hutchinson [129] conjectured that this provision was due to King James, noting that such ghoulish outrages were a part of the confession of Agnes Sampson, one of the first Scottish witches examined in the king's presence in 1590.[130] I am willing to add to this guess whatever support may be derived from the fact that the king, in his Dæmonologie, more than once adverts to the witches' habit of "joynting," or dismembering, corpses. [131] But, when all is said and done, this is a poor refuge, in view of what now appears to be the history of the statute, especially when one remembers that the use of the dead for purposes of sorcery dates, not from the confession of Agnes

[128] See p. 29, above. [129] P. 179.

[130] See Pitcairn, Criminal Trials, 1. 218, 233, 237, and especially 239 (cf. 2. 478); Newes from Scotland, Sig. B3.

[131] Ed. 1603, pp. 43, 58.

Sampson, but from the "backward and abysm of time." The lawmakers, cleric or lay, did not learn of this habit from King James, unless they were so ignorant as never to have heard of Lucan's Erichtho,[132] whom Marston actually brought upon the stage at about this very time in a tragedy which contains a speech, in description of the sorceress, that out-Lucans Lucan.[133] But we need not appeal to the classics. Sir Edward Kelley, far-famed as Dr. Dee's skryer in crystallomancy, had already emulated Erichtho. Years before, "vpon a certaine night, in the Parke of Walton in le Dale, in the county of Lancaster, with one Paul Waring," he had "inuocated some one of the infernall regiment, to know certaine passages in the life, as also what might bee knowne by the deuils foresight, of the manner and time of the death of a noble young Gentleman, as then in his wardship." The black rites finished, Kelley learned of the gentleman's servant about a poor man's corpse that had been buried in a neighboring churchyard that very day. "Hee and the said *Waring* intreated this foresaid seruant, to go with them to the graue." The servant complied, "and withall did helpe them to digge up the carcase of the poor caitiffe, whom by their incantations, they made him (or rather some euill spiritt through his Organs) to speake, who deliuered strange predictions concerning the said Gentleman." All that we know of the prodigious Kelley inclines us to credit him with an attempt at necromancy on this occasion. Weever, who told the tale in 1631, had it from the servant who was present, as well as from the young gentleman to whom the servant had revealed the affair.[134] It is safe to say that the crime of violating graves was as common in England as in Scotland. It surely was an offence quite as worthy of the gallows as sheep-stealing, or theft above the value of twelvepence. And it was natural enough to insert a clause to cover it in the revised law. Now Coke was just the man to do this, for he knew of a fourteenth-century case which showed that the law

[132] Pharsalia, vi., 507 ff.

[133] Sophonisba, act iv., scene 1, vv. 99–125 (Works, ed. Bullen, **2**. 290–291).

[134] John Weever, Ancient Funerall Monuments, 1631, pp. 45–46. Cf. Reginald Scot, bk. xv., chaps. 8, 17 (ed. 1584, pp. 401 ff., 423 ff.); Baines, History of Lancashire, ed. Harland, **1**. 199.

was imperfect in this very point, and he reports the occurrence in his Institutes, in commenting on this provision in the statute of 1604.

> A man was taken in Southwark with a head and a face of a dead man, and with a book of sorcery in his male, and was brought into the king's bench before Sir John Knevett [135] then chief justice: but seeing no indictment was against him, the clerks did swear him, that from thenceforth he should not be a sorcerer, and was delivered out of prison, and the head of the dead man and the book of sorcery were burnt at Tuthill at the costs of the prisoner. So as the head and his book of sorcery had the same punishment, that the sorcerer should have had by the ancient law, if he had by his sorcery praied in aid of the devil.[136]

Who was so likely as Coke to instruct the Lords' Committee as to the defect in the former statute in this regard? At all events, his exposition of the statute of 1604 shows how thoroughly he believed in witchcraft, and leaves no doubt as to the general bearing of whatever advice he gave the committee. Nor need we quote his celebrated charge to the jury in Mrs. Turner's trial for the murder of Overbury, as we might otherwise be tempted to do.[137] Among the magical exhibits at this trial was a parchment on which "were written all the names of the *holy Trinity;* as also a figure in which was written this word *Corpus,* and upon the *parchment* was fastned a little piece of the *skin* of a *man.*" [138] This was, it appears, a charm of Forman's. He certainly did not import it from Scotland![139]

I think we may now regard the following propositions as proved: (1) The last twenty years of Elizabeth's reign were a time of intense and continuous excitement in the matter of witchcraft, with repeated trials and a good many executions. (2) The doctrine was not dying out when James came to the throne. It was held with great tenacity, not only by the masses, but by a vast majority of the educated

[135] Sir John Knyvet was appointed Chief Justice of the King's Bench in 1357 and Lord Chancellor in 1372 (Campbell, Lord Chancellors, 1846, 1. 267–268).

[136] Coke's Institutes, Third Part, cap. 6. See Gentleman's Magazine, 1829, Part ii., 99. 515.

[137] Truth Brought to Light by Time, 1651, p. 140; Egerton Papers, Camden Society, pp. 472–473.

[138] Truth Brought to Light, p. 138.

[139] As to Forman, see pp. 49–50, below.

and influential, — nobility, country gentry, divines, judges, and citizens. (3) The Elizabethan law was generally thought to be imperfect, and there was strong pressure for new legislation. (4) The statute of 1604 was carefully considered and fully discussed. It was not a king's bill, nor was it rushed through under royal whip and spur, or passed out of complaisance to the new sovereign. There is no evidence that the king took any particular interest in the act. It reflected the conscientious opinions of both Houses of Parliament.[140] (5) It followed the language of the Elizabethan statute at almost every point, though somewhat more severe. (6) In its practical working, however, in James's time, the statute of 1604 was not appreciably severer than the Elizabethan law.

But the case against James I. as a witch-hunter during his English reign is not merely destitute of every kind of evidence in its favor, — it has to meet an overwhelming array of direct proof on the other side. And to this evidence we must now pass. It is quite conclusive.

First, we will consider certain pardons that are matters of record. The list is short — for there were few convictions — but it is significant.[141] On April 16, 1604, when the new statute was still under deliberation, Christian, the wife of Thomas Weech, of County Norfolk, received the royal pardon for witchcraft.[142] In 1608, Simon Reade was pardoned for conjuration and invocation of unclean spirits.[143] This case is mentioned by Ben Jonson in The Alchemist (1610).[144] Reade was a medical practitioner and cunning man of Southwark.[145] One Toby Mathew of London had lost £37, 10

[140] No doubt James approved of the statute. He certainly believed in witchcraft and thought that proved witches ought to be put to death. In the Basilikon Doron, addressed to Prince Henry, he mentions witchcraft among the "horrible crymes that yee are bounde in Conscience neuer to forgiue" (1599, Roxburghe Club reprint, p. 37; London edition of 1603, p. 31). But the question is not whether he was a believer in the actuality of such offences, but whether he was a blind and maniacal persecutor who misled the English nation, to its everlasting disgrace.

[141] Cf. Inderwick, Side-Lights on the Stuarts, 2d. ed., p. 150.

[142] Calendar of State Papers, Domestic, 1603–1610, p. 96.

[143] Calendar, p. 406.

[144] Act i., scene 2.

[145] Reade stood suit with the College of Physicians in 1602 for practising without a license and was cast, as Gifford remarks in his note on the passage in The Alchemist. In the pardon he is styled "in medicinis professor."

shillings, by theft, and Reade invoked three devils — Heawelon, Faternon, and Cleveton — to learn the name of the thief and recover the money. There were several séances, — the first on November 8, 1606, the others before the 10th of the following January.[146] Apparently Mathew blabbed, perhaps because the devils did not find his money for him. No doubt Reade, when he saw that his trickery was to cost him his life, confessed that the conjuration was pure humbug, and so was pardoned. In 1610, Christian Weech received a second pardon, this time for the murder of Mary Freeston by witchcraft.[147] In 1611, William Bate, "indicted twenty years since for practising of invocation of spirits for finding treasure," was pardoned.[148] In Bate's case the ground is expressly stated, — the evidence was "found weak." Of course this was also the reason for royal clemency in the other three cases. We have precisely the same situation that confronts us in Jane Wenham's case, in 1712, when the judge was dissatisfied with the verdict of a credulous jury and saved the condemned prisoner in the only way open to him, then as now, by procuring the royal pardon.

The bearing of these records is unmistakable. They prove both that James was no bigoted and undiscriminating witch-finder and witch-prosecutor, and that the judges tried to get at the truth in this crime as in others. Here, then, is the place to quote a passage from Francis Osborne, with whom King James was no favorite: "What his judgment was of Witchcraft, you may in part find by his Treatise on that Subject, and Charge he gave the Judges, to be circumspect in condemning those, committed by ignorant Justices, for Diabolical Compacts. Nor had he concluded his advice in a narrower Circle (as I have heard) than the denial of any such Operations, but out of Reason of State: and to gratify the Church, which hath in no Age, thought fit to explode out of the Common Peoples Minds, an Apprehension of Witchcraft." [149] The latter part of this dictum may pass for what

[146] The pardon, giving these details, is printed in Rymer's Fœdera, 2d edition, 16. 666–667.

[147] Calendar, 1603–1610, p. 598. [148] Calendar, 1611–1618, p. 29.

[149] Essay 1, Miscellaneous Works, 11th ed., 1722, 1. 25.

it is worth. The whole passage is valuable for the light it throws upon the king's reputation with his contemporaries. They thought him skeptical rather than credulous.

There is a close relation between the general purport of Osborne's testimony and the attitude of James with regard to the curative power of the royal touch.[150] His incredulity on this point was manifested at the very beginning of his reign. "The King," wrote Scaramelli to the Doge of Venice, in 1603, shortly before the coronation, "says that neither he nor any other King can have power to heal scrofula, for the age of miracles is past, and God alone can work them. However," adds the Venetian, "he will have the full ceremony [*sc.* of coronation, anointing included], so as not to lose this prerogative [*sc.* of touching for the king's evil], which belongs to the Kings of England as Kings of France." [151] And we know that he actually touched for the evil on various occasions, for reasons of state,[152] knowing well that the ceremony could not harm the sufferers and might work beneficially upon them through the imagination. "He was a King in understanding," says Arthur Wilson, "and was content to have his Subjects ignorant in many things. As in curing the *Kings-Evil*, which he knew a *Device*, to aggrandize the *Virtue* of Kings, when *Miracles* were in fashion; but he let the World believe it, though he smiled at it, in his own *Reason*, finding the strength of the *Imagination* a more powerful *Agent* in the *Cure*, than the *Plasters* his *Chirurgions* prescribed for the *Sore*." [153]

Along with the pardons which we have noted may be classed the toleration which James extended to Forman and Lambe and Dee. This is a curious circumstance which has never received the attention it deserves.

Simon Forman was undoubtedly a rascal.[154] He seems, however, to have been a likeable fellow. Lilly's anecdote of his predicting his own death is charming and proves that Forman

[150] See Manly, Macbeth, 1900, pp. xvi.–xviii.

[151] Calendar of State Papers, Venetian, 1603–1607, p. 44 (June 4, 1603).

[152] In 1604, 1608, 1610, and 1617, for instance (Calendar, as above, 1603–1607, p. 193; 1607–1610, pp. 116, 465; Eboracum, 1788, 1. 150).

[153] History of Great Britain, 1653, p. 289.

[154] See Mr. Lee's life of Forman in the Dictionary of National Biography, 19. 438 ff.

had a good measure of *bonhomie*.[155] It also goes far to show that he put some trust in his own occult powers, though in the main he must have been a charlatan. Certainly he passed for a sorcerer. For years he made a public profession of necromancy and magic at Lambeth, and was much consulted by the ladies. On the 26th of June, 1603, Forman was licensed by the University of Cambridge to practise medicine, and on the next day the university conferred upon him the degree of M.D. How he contrived to obtain these certificates of professional respectability is a puzzle.[156] King James never molested Forman, and the Doctor died peacefully in 1611. The full extent of his rascality did not come out until the trial of Mrs. Turner, in 1615, for the murder of Overbury,[157] but that makes no difference. He was a notorious conjuror, and it would have been easy to find evidence during his life that would have hanged him a hundred times.[158]

Dr. John Lambe was in the same kind of business as Forman but was even less reputable. He was convicted at the Worcester assizes on two separate indictments, each of them for a capital crime. The first was for "wasting and consuming" Thomas Lord Windsor by witchcraft; the second for "invoking and entertaining" evil spirits.[159] Sentence was suspended, and Lambe was imprisoned in Worcester Castle. Shortly after, he was removed to the King's Bench in Lon-

[155] William Lilly, History of his Life and Times, 2d ed., 1715, p. 16.

[156] Forman was twice imprisoned, at the instance of the Royal College of Physicians, as an unauthorized and ignorant practitioner (in 1595 and 1596). In 1601 he was again complained of. In 1606 and 1607, after obtaining his Cambridge degree, he was cited to appear before the College, but refused to obey. See the records in the 8th Report of the Commission on Historical MSS., Appendix, Part i., p. 228.

[157] Truth Brought to Light by Time, 1651, pp. 135–138; Letter from Thomas Bone to Sir John Egerton, November 9, 1615, Egerton Papers, Camden Society, pp. 470–473.

[158] See Lilly, pp. 12–16.

[159] The indictments are printed (in translation) in A Briefe Description of the Notorious Life of Iohn Lambe, Amsterdam, 1628, pp. 3–6. They are not dated. The bewitching of Lord Windsor is stated in the first indictment to have occurred on December 16, 5 Jac. I. (*i.e.* 1607), and at divers times afterward; the second indictment dates the invocation of evil spirits, May 13, 6 Jac. I. (*i.e.* 1608), and before and after. Mr. Sidney Lee (Dictionary of National Biography, **32**. 1) shifts the second of these dates, inadvertently, from the *offence* to the *trial*. We do not, in fact, know when Lambe was tried, but it was before 1617.

don,[160] where he remained a long time. But his confinement was not rigorous. He lived in prison quite at his ease, receiving his patients and clients and doing a thriving business as physician and sorcerer.[161] He was convicted of a rape committed while in confinement,[162] but the chief justice reported that the evidence was dubious, and in 1624 he was pardoned.[163] Soon after, he was released from custody and took up his residence near the Parliament House.[164] In 1628 he met his death at the hands of the London mob while returning from a play at the Fortune.[165] Lambe was protected by Buckingham, and was known as the "Duke's devil."[166] But Buckingham was not always friendly. Thus, in 1625, the duke was clamorous against him on account of his connection with Lady Purbeck's case. "If Lambe" — so Buckingham wrote to Attorney General Coventry and Solicitor General Heath — "be allowed to get off by saying he was only juggling [*i.e.* not really practising sorcery], . . . the truth can never be known; Lambe has hitherto, by such shifts, mocked the world and preserved himself."[167] I am far from maintaining that King James's indulgence to such scoundrels as Forman and Lambe was altogether creditable to him, but it certainly tends to prove that he was not a rabid prosecutor of witches and sorcerers.[168]

[160] Briefe Description, p. 14. [161] Pp. 14 ff.

[162] The indictment dates the offence June 10, 21 Jac. I., *i.e.* 1623 (Briefe Description, p. 15). The conviction was in 1624 (Calendar of State Papers, Domestic, 1623–1625, p. 485).

[163] Calendar, 1623–1625, pp. 241, 243, 261, 266, 280.

[164] Briefe Description, 1628, p. 20.

[165] The same, pp. 20–21; Rushworth, Historical Collections, 1. 618 (cf. 1. 391); Reign of Charles I., continuation of Baker's Chronicle, ed. 1660, p. 493; Richard Smith, Obituary, in Peck, Desiderata Curiosa, Vol. 2. Book xiv, p. 11; Jupp, Historical Account of the Company of Carpenters, 1887, pp. 84–85.

[166] Continuation of Baker's Chronicle, as above, p. 493. Cf. Fairholt, Poems and Songs relating to George Villiers, Duke of Buckingham, Percy Society, 1850, pp. xiv.–xv., 58–63, 65.

[167] Calendar of State Papers, Domestic, 1623–1625, p. 476. Lady Purbeck had visited Lambe in prison to procure charms from him (p. 474; cf. p. 497).

[168] Another infamous person who drove a thriving trade with the court ladies was Mrs. Mary Woods, who practised her arts at Norwich, and removed to London in 1612. She was involved in the alleged plot of the Countess of Essex to poison the Earl. She was arrested and examined, but it does not appear that she was proceeded against under the statute of 1604, although one witness declared that she professed to have a familiar spirit. Obviously she was regarded as a mere charlatan, yet it would have been easy enough to hang her for a witch if the king had

Dr. Dee is in a different category, for he was a profound scholar and a man of a sincere and simple character, whom it would be profanation to class with Lambe and Forman. Yet there is no manner of doubt that his occult experiments (of which voluminous documentary evidence is still extant) might have convicted him of sorcery on literally a thousand counts. His sole defence would have been that he was invoking and consulting good angels, not demons, but the theologians could have made short work of that allegation. True, Dee had been examined on a charge of witchcraft in the Star Chamber in 1555 and acquitted.[169] But his subsequent proceedings were enough to condemn him, and he constantly had to protest against the aspersion of being "a companion of Hell-hounds and conjuror of wicked and damned spirits," [170] and "the arche coniurer of this whole kingdom." [171] In 1583 the mob had destroyed his library at Mortlake.[172] Anecdotes that descended to Aubrey give ample testimony to his fame as a conjuror.[173] Dee seems to have been agitated by the passage of the statute of 1604, for, on June 5, of that year, while the act was still in debate, he petitioned King James to have him "tryed and cleared of that horrible and damnable, and to him most grievous and dammageable sclaunder, generally, and for these many yeares last past, in this kingdom raysed and continued, by report and print against him, namely, that he is or hath bin a conjurer or caller or invocator of divels." [174] No attention was paid to his entreaty, but the king did not molest him, and

favored such a prosecution (Calendar of State Papers, Domestic, 1611–1618, pp. 134, 161, 173, 183, 187; Inquiry into the Genuineness of a Letter, etc., pp. 17–19, Camden Miscellany, 5; Gardiner, History of England, 1603–1642, 4th ed., 2. 169, note 1).

[169] See his own account of the affair in his Compendious Rehearsall, 1592, printed by Crossley, in Autobiographical Tracts of Dr. John Dee, pp. 20–21 (Chetham Miscellany, 1), and cf. the Necessary Advertisement prefixed to his General and Rare Memorials pertayning to the Perfect Arte of Navigation, 1577 (Crossley, p. 57). See also Calendar of State Papers, Domestic, 1547–1550, p. 67; Charlotte Fell Smith, John Dee, 1909, pp. 14–15.

[170] Dee's Preface to Henry Billingsley's translation of Euclid's Elements, 1571 (Smith, pp. 24–28).

[171] Necessary Advertisement, 1577 (Crossley, p. 53).

[172] Compendious Rehearsall, 1592 (Crossley, pp. 27 ff.).

[173] Aubrey, Brief Lives, ed. Andrew Clark, 1. 212–214.

[174] Smith, p. 293.

he died in his bed in 1608. James doubtless respected Dee's learning, and he may have been assured of his innocence by the aged scholar's friends, who were numerous and influential, — Sir Julius Cæsar, for instance. Indeed, Dee was styled "the King his Mathematitian," [175] — a title which appears to imply some degree of royal favor.

James's pardons and his toleration of Dee and Lambe and Forman would go far to show that he was not a bigoted witch-prosecutor. But there is evidence of an unequivocal nature. It concerns the king's personal activity in the detection of imposture. On this point the records are decisive, and, when we consider the prevalent impression as to James's character as a witch-finder, they are nothing less than astounding.[176]

First of all we have a charming letter from James to the young Prince Henry. It bears no date, but unbiassed judges put it at the very beginning of the reign, and Sir Henry Ellis believes that it was written before the Prince had left Scotland.

My Sonne I ame glaid that by youre Letre I maye persave that ye make some progresse in learning. . . . I ame also glaide of the discoverie of yone litle counterfitte Wenche. I praye God ye maye be my aire [*i.e.*, heir] in such discoveries. Ye have ofte hearde me saye that most miracles nou a dayes proves but illusions, and ye maye see by this hou waire judgis should be in trusting accusations withoute an exacte tryall; and lykewayes hou easielie people are inducid to trust wonders. Lett her be kepte fast till my cumming; and thus God blesse you my sonne.[177]

[175] MS. College of Arms c. 37, 168, quoted by F. R. Raines, Rectors of Manchester and Wardens of the Collegiate Church, Part ii, 1885, p. 110 (Chetham Society).

[176] James has been derided for maintaining the doctrine of witchcraft in the Essex divorce case (see his answer to Archbishop Abbot in Truth Brought to Light by Time, 1651, pp. 103 ff.). This discredit, however, such as it is, is cancelled by his conduct in the case of Sir Thomas Lake (involving a precisely similar allegation of witchcraft), in which he showed much acumen in unravelling a tangled skein of malice and perjury. See Gardiner, History, **3**. 189–194 (1895). Mr. Gardiner remarks that James "prided himself upon his skill in the detection of impostures" (**3**. 192).

[177] Harleian MS. 6986, art. 40 (autograph), as printed by Sir Henry Ellis, Original Letters, 1st Series, 1824, **3**. 80–81. The letter may also be found in Birch, Life of Henry Prince of Wales, 1760, p. 37; Letters to King James the Sixth, Maitland Club, 1835, p. xxxv. (where it is said, erroneously, to be in reply to an extant letter of January 1, 1603–4, from Prince Henry); Nichols, Progresses of James I., **1**. 304; Halliwell, Letters of the Kings, 1848, **2**. 102. Cf. Gifford's edition of Ford, **1**. clxxi. (ed. Dyce, 1869, **3**. 276); Quarterly Review, **41**. 80–82.

In 1604 we find James, in his Counterblast to Tobacco, deriding exorcism in a style worthy of Bancroft and Harsnet. "O omnipotent power of Tobacco!" he ejaculates. "And if it could by the smoke thereof chace out deuils, as the smoke of *Tobias* fish did (which I am sure could smel no stronger) it would serue for a precious Relicke, both for the superstitious Priests, and the insolent Puritanes, to cast out deuils withal." [178]

Another letter of the king's should be given in full, if space allowed. It begins by reminding the recipient "how that in late time we discovered and put to flight one of those counterfeits, the like whereof ye now advertise us." "By this bearer," adds King James, "we send unto you instructions suited for such an occasion, willing you leave nothing untried to discover the imposture." It appears that the patient was a woman who lay in a trance and had supported life for a long time on one small cup of wine. The king gives wise directions and remarks that "miracles like those of which you give us notice should be all ways and diligently tested." And he concludes with the words, "It . . . becomes us to lose no opportunity of seeking after the real truth of pretended wonders, that if true we may bless the Creator who hath shown such marvels to men, and if false we may punish the impudent inventors of them." [179]

In 1605 Sir Roger Wilbraham notes in his Journal, immediately after telling a witch-story: — "The King's maiestie, sithence his happie comyng, by his owne skill hath discovered 2 notorious impostures: one of a phisicion that made latyne & lerned sermons in the slepe: which he did by secret premeditacion: thother of a woman pretended to be bewitched, that cast up at her mouth pynnes, & pynnes were taken by divers in her fitts out of her brest." [180]

[178] Ed. Arber, p. 108.

[179] Dated March 5th (no year). Halliwell (from Rawlinson MS.), Letters of the Kings, 2. 124–125. It does not appear to whom the letter was addressed. Such cases of real or pretended fasting are common. See, for example, John Reynolds, A Discourse upon Prodigious Abstinence: occasioned by the Twelve Moneths Fasting of Martha Taylor, the famed Derbyshire Damsell, 1669.

[180] Journal of Sir Roger Wilbraham, 1593–1616, ed. by H. S. Scott, p. 70 (Camden Miscellany, 10). This is clearly the case mentioned by Walter Yonge in his Diary (ed. Roberts, Camden Society, 1848, p. 12). If so, the bewitched person was "near kinswoman to Doctor Holland's wife, Rector of Exon College in

The first of these two impostors was Richard Haydock of New College, Oxford, the celebrated Sleeping Preacher. He made a great noise in the world. In 1605 James summoned him to court, where he preached three times. The king felt sure he was shamming. He soon fathomed Haydock's mystery, brought him to repentance, and treated him kindly afterwards.[181] The doctor's confession, addressed to King James, is extant among the State Papers.[182] Though witchcraft was not involved, the incident throws light on the king's frame of mind.

King James's detection of Haydock took place in April, 1605. In November of the same year the Gunpowder Plot was discovered. James, it will be remembered, boasted rather pedantically in an address to Parliament that he had unriddled a dark sentence in the Mounteagle letter and so was in effect the discoverer of the conspiracy.[183] He made similar pretensions in a conversation with Giustinian, the Venetian ambassador.[184] There is a plain connection between his pride in this exploit and the shrewdness he had just exhibited in the affair of the Sleeping Preacher and in that of the bewitched woman, for Salisbury gave out that he and other Councillors had submitted the Mounteagle letter to the king because of "the expectation and experience they had of His Majesties fortunate Judgement in cleering and solving of obscure Riddles and doubtful Mysteries." [185] It makes no difference whether this consultation was *pro*

Oxford." This was Thomas Holland, on whom see Wood, Athenae Oxonienses, ed. Bliss, **2**. 111–112; Foster, Alumni Oxonienses, **2**. 731.

[181] King James his Apophthegmes, 1643, pp. 8–9; Calendar of State Papers, Domestic, 1603–1610, pp. 212, 213; Venetian, 1603–1607, pp. 238, 240–241; letters in Lodge, Illustrations of British History, 2d ed., 1838, **3**. 143–144, 153–155, 157–160; Arthur Wilson, History of Great Britain, 1653, p. 111; Baker's Chronicle, ed. 1660, p. 431; Fuller, Church History, Book x., Century xvii., § 56, ed. Brewer, **5**. 450; Aubrey, MS. History of Wiltshire, pp. 362–363, as quoted by Halliwell, Letters of the Kings, **2**. 124, note; Foster, Alumni Oxonienses, **2**. 679; Dictionary of National Biography.

[182] State Papers, James I., Vol. **13**. No. 80. It is an obscure and rambling document.

[183] King James his Speech to both Houses of Parliament on Occasion of the Gunpowder-Treason, ed. 1679, p. 7; cf. Journal of Sir Roger Wilbraham, pp. 70–71 (Camden Miscellany, **10**).

[184] Calendar of State Papers, Venetian, 1603–1607, p. 327 (cf. pp. 316–317).

[185] Discourse, appended to King James his Speech (see note 183, above), pp. 28–29 (cf. pp. 30–31).

forma, mere courtly complaisance, or whether the Councillors really got some help from the king. On either hypothesis, the penchant of James for playing the detective is equally clear.

The second case mentioned by Wilbraham was pure witchcraft. The symptom of vomiting pins was regarded by most scholars as decisive against fraud. Thus Cotta, in 1616, in enumerating various tests by which (in contradistinction to swimming, scratching, and other things that he repudiates) witchcraft may be recognized, accepts this as one that is "palpable and not obscure to any eye without difficulty, offering [itself] to plaine and open viewe." [186] It now appears that James, more than ten years before Cotta wrote, had confuted this infallible test. Yet we are told that Cotta "was in advance of his age," that "he published his book in 1616, when King James's doctrines prevailed in full force, and it attracted little attention." [187] I agree that Cotta was in advance of his age. Be it so — but what shall we then say of James I.?

Another undated example is preserved by Aubrey.[188] A gentlewoman named Katharine Waldron, who "waited on Sir Francis Seymor's lady of Marlborough," pretended to be "bewitched by a certain woman." The phenomena were similar to those in the case of Mary Glover, which misled the Recorder of London in 1603.[189] The king "detected the cheat" by a clever, though somewhat indecorous, device.

More than once, when James was unable to investigate these matters in person, he intrusted the business to somebody else. Thus, in 1605, a warrant was issued "for such sums as the Earl of Salisbury shall require, for the charges of two maids suspected to be bewitched, and kept at Cambridge for trial." [190] *Trial* in this record of course does not mean *trial in court* (for it was not a crime to be bewitched), but *test*, *investigation*. Obviously it was thought that the girls might be shamming. Again, in 1611, the Council sent a letter to the Bishop of Bangor and the Judges of Assize

[186] Triall of Witch-craft, p. 76.

[187] Wright, Narratives of Sorcery and Magic, 2. 144.

[188] MS. History of Wiltshire, pp. 362–363 (Halliwell, Letters of the Kings, 2. 124, note).

[189] See p. 29, above.

[190] Calendar of State Papers, Domestic, 1603–1610, p. 218.

for County Carnarvon " to search out the truth of a supposed witchcraft committed on six young maids." [191] This was another cautionary measure to prevent false accusation and the arraignment of innocent persons. It reminds one of the action of Charles I. in 1634, when he delegated Bishop Bridgeman to investigate the second Pendle case.[192] We shall have occasion to consider the attitude of King Charles presently. [193]

And now we come to the most distinguished of all King James's exploits in the detection of fraudulent bewitchment. It is a case which, even if it stood absolutely alone, might suffice, in the absence of adverse testimony, to clear his reputation.

In 1616, on the 18th day of July, nine persons were hanged at Leicester. Their crime was the bewitching of a boy of thirteen or fourteen, named Smythe,[194] who suffered from fits [195] like those of the Throckmorton girls of Warboys.[196] Indeed, the influence of that famous case is unmistakable. Justice Fenner, in 1593, made old Samuel recite a formula devised by one of the hysterical girls: "As I am a Witch, and did consent to the death of the Lady Cromwell, so I charge the deuil to suffer Mistress Iane to come out of her fitt at this present." [197] Thereupon the girl was instantly relieved. So at Leicester in 1616 the accused were obliged to say, "I such a one chardge the hors [one of the devils], if I be a wiche, that thou come forthe of the chilld," whereupon young Smythe ceased to be tormented.[198] The judges were Sir Humphrey Winch, Justice of the Common Pleas, and Sir Randolph Crew (Serjeant),[199] — the former a member of the Parliament that passed the Statute of 1604.[200]

[191] Calendar, 1611–1618, p. 29.

[192] Calendar, 1634–1635, pp. 26, 77–79, 98, 129–130, 141, 152–153.

[193] See p. 64, below.

[194] On his identity see Kittredge, King James I. and The Devil is an Ass (Modern Philology, 9. 195–209).

[195] Letter from Alderman Robert Heyrick of Leicester to his brother Sir William in London, dated July 18, 1616 — the very day of the execution (printed by Nichols, Leicestershire, Vol. 2. Part ii., p. 471*).

[196] See p. 32, above.

[197] Witches of Warboys, 1593, sig. P2 r°.

[198] Heyrick's letter.

[199] Nichols, Progresses of James I., 3. 193; Calendar of State Papers, Domestic, 1611–1618, p. 398.

[200] He was M.P. for the Borough of Bedford (Members of Parliament, 1. 442 a).

About a month after the execution of these nine witches, King James chanced to be at Leicester on a royal progress. He stayed there not more than twenty-four hours.[201] The Smythe boy was still having his fits, and six more accused persons were in jail awaiting trial at the autumn assizes. Nobody can doubt what the issue would have been. But now James intervened. I will let Francis Osborne (1593–1659) tell the story. "The King being gratified by nothing more than an Opportunity to shew his Dexterity in discovering an Imposture (at which I must confess him the promptest Man Living) upon his arrival convented the Boy. Where, before him, (possibly daunted at his Presence, or terrified by his Words) he began to faulter, so as the King discovered a Fallacy. And did for a further Confirmation, send him to *Lambeth;* where the Servants of Dr. *George Abbot,*[202] did in a few Weeks discover the whole Deceit. And he was sent back to his Majesty before the end of the Progress; where, upon a small entreaty, he would repeat all his Tricks oftentimes in a Day." [203]

The result we learn from a contemporary letter written by a Leicester alderman.[204] Five of the six alleged witches were released without a trial; the sixth had died in prison. Nor did the king neglect to let the judges see that he was not pleased with their lack of acumen. "Justice Winch," writes Secretary Chamberlain to Sir Dudley Carleton on October 12, "and Serjeant Crew are somewhat discountenanced for hanging certain Witches in their circuit at Leicester; whereas the King, coming that way, found out the juggling and imposture of the boy, that counterfeited to be bewitched." [205]

[201] The king went from Nottingham to Leicester on August 15th, spent the night there, and proceeded to Dingley, on the 16th (Nichols, Progresses, **3**. 180–181, cf. **3**. 175).

[202] Archbishop of Canterbury.

[203] Essays (Miscellaneous Works, 11th ed., 1722, **1**. 30–31).

[204] Robert Heyrick's letter, October 15, 1616 (printed by Nichols, Leicestershire, Vol. **2**. Part ii., p. 471*).

[205] Nichols, Progresses, **3**. 192–193; Calendar of State Papers, Domestic, 1611–1618, p. 398. We can make out a satisfactory account of the case by comparing Osborne with Heyrick's two letters (one of July 18, the other of October 15, 1616, both printed by Nichols, Leicestershire, Vol. **2**. Part ii., p. 471*). I have followed Heyrick (as being absolutely contemporary and on the spot) wherever he differs

King James's action in the Leicester case of 1616 took instant effect. The clamor of the populace against witches was not silenced, but the judges henceforth used extraordinary circumspection. They had no mind to incur the royal displeasure. The result should be carefully noted. From July, 1616, until James's death on March 27, 1625, almost exactly nine years, only five persons are known to have been executed for witchcraft in England.[206] Two of these were hanged at Bristol in 1624, and I have no details.[207] One — Elizabeth Sawyer of Edmonton — confessed after conviction.[208] The other two were Margaret and Philippa Flower, who were executed at Lincoln on March 11, 1619. Their case is very remarkable. A bare statement of facts will prove how impossible it was for any jury to acquit them or any king to show them favor. Incidentally, we should observe that they would have been hanged under the Elizabethan statute.

Joan Flower was a foul-mouthed old woman, much given to cursing, and suspected by her neighbors of being a witch. She was incensed at the Countess of Rutland for discharging her daughter, Margaret Flower, from service at Belvoir Castle, though there were good grounds for it, and though the Countess had treated the girl with much kindness. Soon after, three of the Earl's children fell sick, and two of them died, one his eldest son. The Earl, it seems, had no suspicion against the Flowers. Ultimately, however, Joan and her two daughters were arrested, doubtless as a result of local gossip. Joan Flower was never tried for the crime. At the time, as it appears, of her examination, she defiantly sub-

from Osborne. Heyrick does not mention the king, but Osborne's testimony as to James's intervention is corroborated in all essentials by Chamberlain's letter of October 12, 1616 (Nichols, Progresses, 3. 192–193; Calendar, 1611–1618, p. 398). Osborne, by the way, speaks of his narrative as follows: "I will here relate a story of my own knowledge" (p. 29).

[206] Mr. William Wheater's statement that six persons suffered death for witchcraft at York in 1622 (Old Yorkshire, ed. by William Smith, 4. 266) is a mistake. This was the Fairfax case. Six persons were indicted, but all of them were discharged without a complete trial (see p. 63, below).

[207] John Latimer, Annals of Bristol in the Seventeenth Century, p. 91.

[208] There was no torture. She confessed to the minister, Henry Goodcole, for her soul's sake. See Goodcole's narrative, The Wonderfull Discoverie of Elizabeth Sawyer, 1621, reprinted in The Works of John Ford, ed. 1895 (Bullen), 1. lxxxi ff.

jected herself to a strange test. She "called for Bread and Butter, and wished it might never go through if she were guilty of that wherevpon she was examined: so mumbling it in her mouth, never spoke more words after, but fell doune and dyed as she was carryed to Lincolne Goale." Both her daughters confessed and were hanged.[209] There can be no vestige of doubt in any unprejudiced mind that these three women were guilty in intent. They had practised what they supposed to be witchcraft in order to destroy the children, and they believed they had succeeded. We may pity them for their malicious infatuation, but we cannot deny that their fate was deserved. Nor was it conceivable that they should escape it when God himself seemed to have pronounced their guilt.

Five executions, then, make the whole account for the last nine years of King James's reign, and with regard to two of these, there could be no suspicion of counterfeiting. The Earl's children had really died, and the accused had certainly tried to kill them by sorcery. Here there was no ground on which the king's acumen in detecting imposture could work, nor could any amount of caution on the part of the judges avoid the plain conclusion.[210]

[209] The Wonderfull Discoverie of the Witchcrafts of Margaret and Philip Flower, 1619.

[210] We may laugh at witchcraft, but it by no means follows that all the afflicted persons were impostors or that the defendants were always guiltless. The children who cried out on the Salem goodwives and the numerous other "young liars" (as one unsympathetic writer has called them) were *really* afflicted, though the cause was mistaken. Much of their play-acting was a part of their disease. As for the witches themselves (I do not here refer to Salem in particular), it is clear that many of them were malignant creatures who did what they could to get into communion with the fiend and thought they had succeeded. As Mr. Andrew Lang well remarks, "There can be little doubt that many witches were in intention malevolent enough. They believed in their own powers, and probably dealt in poison on occasion" (History of Scotland, 2. 352). Others were precocious experimenters in supernormal mental states. I need but refer to Professor Wendell's suggestive essay on the Salem witches (Stelligeri, 1893; cf. his Cotton Mather, pp. 93 ff.) and to Mr. Brodie-Innes's paper on Scottish Witchcraft Trials, in which this fruitful subject of investigation is broached, with illuminating remarks. Neither professes to do more than raise the question. The undiscovered country of witch pathology awaits its trained explorer. Meantime we may speak respectfully of some of our elders — Wierus, Scot, Webster, Bekker, and Meric Casaubon (not all of them on the same side) — who have made wise observations needing only to be translated from the obsolete technical language of their day in order to appeal to the modern alienist. For cases of genuine and indubitable attempts at sorcery, see, for example,

But the effect of King James's rebuke of the Leicester justices is visible not only (by inference) in the lack of executions. It may also be traced in more positive ways. In 1620 occurred the notorious fraud of William Perry, the Boy of Bilson. The supposed witch was acquitted at the Stafford assizes, August 10, 1620, and the judges intrusted Perry to Bishop Morton, who was present. Morton detected the trick, and at the next summer assizes, June 26, 1621, the boy made public amends, asking forgiveness of the alleged witch, who was there to receive this rehabilitation.[211] James was not personally active — so far as we know — in this exposure, but that it was pleasing to him we can infer, not only from our general knowledge, but from the fact that Arthur Wilson, in his History of Great Britain, published in 1653, appends to the story the following observation: "The King took delight by the *line* of his *Reason* to sound the depth of such *brutish Impostors*, and he discovered many." Then, after reporting the case of Haydock, the Sleeping Preacher, Wilson continues: "Some others, both men and women, inspired with such *Enthusiasms*, and *fanatick fancies*, he reduced to their right *senses*, applying his *Remedies* suitable to the *Distemper*, wherein he made himself often very merry . . . but some of their Stories being a little *coarse*, are not fit to be here related." [212]

Tributes to King James's interest in detecting fraudulent cases are offered not only by Osborne (who speaks of "the charge he gave the Judges, to be circumspect in condemning those, committed by ignorant Justices, for Diabolical Compacts"),[213] but by Bishop Goodman, and by Fuller. Goodman's testimony is brief, but to the purpose. James, he says, "was ever apt to search into secrets, to try conclusions [*i.e.* experiments], as I did know some who saw him run to see one in a fit whom they said was bewitched." [214] Fuller provides

Proceedings of the Society of Antiquaries, 2d Series, **18**. 140 ff.; W. M. Hart, Archæologia, **40**. 397. Examples are countless.

[211] Hutchinson, Historical Essay, 1718, pp. 217 ff. (from the narrative). Cf. The Second Part of the Boy of Bilson, 1698, pp. 1–9; Gee, The Foot out of the Snare, 1624, pp. 53–54.

[212] Pp. 111–112. For Wilson's own skepticism on the subject of witchcraft, see his Autobiography, in Peck, Desiderata Curiosa, Vol. 2. Book xii, pp. 26–27.

[213] Essay i. (Miscellaneous Works, 11th edition, 1722, p. 29). Cf. p. 48, above.

[214] Court of King James the First, ed. Brewer, 1839, **1**. 3.

an elaborate *testimonium*.[215] After telling of the Boy of Bilson, he continues as follows:

"Indeed, all this king's reign was scattered over with cheaters of this kind. Some papists, some sectaries, some neither, as who dissembled such possession, either out of malice to be revenged on those whom they accused of witchcraft, or covetous to enrich themselves."

Then, after giving several examples, which he calls "a few out of many," [216] he concludes thus: —

"King James . . . was no less dexterous than desirous to make discovery of these deceits. Various were his ways in detecting them, aweing some into confession with his presence, others by promise of pardon and fair usage. He ordered it so, that a proper courtier made love to one of these bewitched maids, and quickly Cupid's arrows drave out the pretended darts of the devil. Another there was, the tides of whose possession did so ebb and flow, that punctually they observed one hour till the king came to visit her. The maid, loath to be so unmannerly as to make his majesty attend her time, antedated her fits many hours, and instantly ran through the whole zodiac of tricks which she used to play. A third, strangely affected when the first verse of St. John's Gospel was read unto her in our translation, was tame and quiet whilst the same was pronounced in Greek, her English devil belike understanding no other language. The frequency of such forged possessions wrought such an alteration upon the judgment of King James, that he, receding from what he had written in his Demonology, grew first diffident of, and then flatly to deny the workings of witches and devils as but falsehoods and delusions." [217] It seems probable that Fuller goes too far in this last statement, though Osborne says something to the same effect.[218] It is not likely that King James ever gave up his theoretical belief in witchcraft.[219] It is clear, however, that, in his later years,

[215] Church History, Book x., cent. xvii., §§ 54–57 (ed. Brewer, 5. 448–452). Cf. Gifford's Jonson, 7. 140, note 4.

[216] § 56. The only case that we can date is Haydock's (see p. 55, above).

[217] § 57 (5. 451–452).

[218] Essay i. (see p. 48, above).

[219] The Dæmonologie (unmodified) was included in the authorized edition of the king's Works in 1616.

he came close to the opinion pronounced, in 1711, by Addison in a famous passage (echoed by Blackstone): "I believe in general that there is, and has been such a thing as witchcraft; but at the same time can give no credit to any particular instance of it." [220] But we must return to King James's good influence on the judges.

This influence comes out very clearly in the Fairfax case, six years after James's rebuke to Justice Winch and Serjeant Crew.[221] In 1622, Edward Fairfax, the translator of Tasso, brought six women before the York assizes on the charge of bewitching his two daughters. The fits had lasted for several months and were similar to those of the Throckmorton girls: the Warboys narrative was still doing its work. At the same assizes, one of Fairfax's neighbors, a gentleman named John Jeffray, accused the same defendants of bewitching his daughter Maud. The grand jury was exceptionally intelligent, including six justices of the peace. It had already "received a good *caveat* by a message from the judge to be very careful in the matter of witches." [222] Yet it found a true bill, and the trial began.

The six women were arraigned on August 9, 1622.[223] Mark the course of proceedings. All three of the afflicted girls fell into a trance in the presence of the court and were carried out insensible. Sir George Ellis and some other justices, leaving the bench, followed, and exerted themselves to discover the imposture that they suspected. They soon returned, declaring that the Jeffray girl had confessed that she had acted throughout by the direction of her parents. Maud Jeffray denied that she had made the alleged admissions; but her father was sent to jail forthwith, and his charge was dismissed.[224] The Fairfax girls, however, had not been found to be counterfeiting, and the trial of that case went on. But the court was determined to avoid the mistake made at Leicester in 1616. The presiding justice, after

[220] Spectator for July 14, 1711 (No. 117); cf. Blackstone, Commentaries, Book iv., chap. 4, sect. 6 (4th edition, 1770, 4. 60–61).

[221] Full details of this case are given in Fairfax's own narrative, entitled Dæmonologia (edited by William Grainge, Harrogate, 1882).

[222] Fairfax says this message was delivered to the grand jury in his hearing (p. 126).

[223] Fairfax, p. 126.

[224] Pp. 123–127.

some witnesses had been heard, instructed the jury that the evidence "reached not to the point of the statute," stopped the trial, and discharged the defendants.[225] Thereafter it was "given out," as Fairfax tells us, that "Jeffray and his family devised the practice, to which they drew my eldest daughter, and she the younger." Fairfax himself was exonerated.[226]

Here we see the influence of the king's precept and example at every turn. The grand jury was warned to be careful, the judges were eager to discover an imposture, and, thinking they had done so, yet not daring to trust the jury to acquit, they found that the facts alleged did not bring the case under the statute and took it away from the jury. And finally — as if to leave to posterity no doubt whatever of the first source of all this caution and circumspection — Fairfax mentions King James in the most unequivocal way. His narrative is, in effect, an appeal from the judges to public opinion. *His* daughters, he maintains, are certainly no tricksters; they are in an altogether different category from "*those whose impostures our wise king so lately laid open.*" [227]

Nor did the good effects of King James's skeptical temper and of the lesson he taught the judges cease with his death. I can find but one execution for witchcraft in the first seven years of Charles I. Then occurred the famous case of the Lancashire Witches of 1633. On this occasion seventeen persons were convicted, but the judge did not believe in their guilt, and brought the matter to the king's attention. A careful investigation ensued, and none of the alleged witches suffered death. Hitherto this case has been regarded as marking a contrast between Charles's creed and practice and the acts and belief of his father. Mr. Crossley, who is so severe on King James, praises King Charles warmly for thus "distinguishing himself . . . in days when philosophy stumbled and murder arrayed itself in the robes of justice — by an enlightened exercise of the kingly prerogative of mercy." [228] Wright remarks that "Charles I. had not the same weak prejudices in these matters as his father." [229] It

[225] P. 127. [226] P. 124. [227] P. 81. [228] Edition of Potts's Discoverie, p. lxxvii.
[229] Narratives of Sorcery and Magic, 2. 117.

is well to approve King Charles, whose personal record on this matter of witchcraft is laudable, but it must now be quite clear that he was merely following his father's praiseworthy example.

Our scrutiny of King James's record is finished. No summing up is necessary. The defendant is acquitted by the facts. One final remark, however, may be made, in lieu of a peroration. Diligent search has so far brought to light less than forty executions for witchcraft throughout England in the reign of James I., or an average of about *two a year*. Contrast with this statement the fact that in ten years of the same reign (6–15 James I.) at least thirty-two persons were pressed to death in the single County of Middlesex for refusing to plead in cases of felony (not witchcraft), or an average of over *three a year*, and that, in the same county for the same period, at least seven hundred persons were hanged for felonies other than witchcraft, or an average of *seventy a year*.[230] These figures call for no commentary. We may double or treble the number of witch-hangings, if we will, in order to allow for incompleteness in the published records, and it still remains true that the reign of James I. was not, in this regard, a dark and bloody period.

[230] Jeaffreson, Middlesex County Records, 2. xvii.-xviii., liii.

CAMBRIDGE,
April 1, 1911.

S

STUDIES IN THE HISTORY OF RELIGIONS

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